



Security Council

Sixty-fourth year

Provisional

6201st meeting

Wednesday, 14 October 2009, 10 a.m.

New York

<i>President:</i>	Mr. Le Luong Minh	(Viet Nam)
<i>Members:</i>	Austria	Mr. Mayr-Harting
	Burkina Faso	Mr. Tiendrébéogo
	China	Mr. Zhang Yesui
	Costa Rica	Mr. Guillermet
	Croatia	Mr. Skračić
	France	Mr. Araud
	Japan	Mr. Takasu
	Libyan Arab Jamahiriya	Mr. Shalgham
	Mexico	Mr. Heller
	Russian Federation	Mr. Dolgov
	Turkey	Mr. Apakan
	Uganda	Mr. Rugunda
	United Kingdom of Great Britain and Northern Ireland	Sir John Sawers
	United States of America	Mr. Wolff

Agenda

The situation in the Middle East, including the Palestinian question

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The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East, including the Palestinian question

The President: I should like to inform the Council that I have received letters from the representatives of Australia, Bangladesh, Brazil, Cuba, Ecuador, Egypt, Iceland, Indonesia, the Islamic Republic of Iran, Israel, Jordan, Liechtenstein, Malaysia, Morocco, Nicaragua, Pakistan, South Africa, the Sudan, Sweden, Switzerland, the Syrian Arab Republic, the United Republic of Tanzania and the Bolivarian Republic of Venezuela, in which they request to be invited to participate in the consideration of the item on the Council's agenda. In accordance with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Ms. Shalev (Israel) took a seat at the Council table; the representatives of the other aforementioned countries took the seats reserved for them at the side of the Council Chamber.

The President: I should like to inform the Council that I have received a letter dated 13 October 2009 from the Permanent Observer of Palestine to the United Nations, which will be issued as document S/2009/531 and which reads as follows:

"I have the honour to request that, in accordance with its previous practice, the Security Council invite His Excellency Mr. Riad Al-Malki, Minister for Foreign Affairs of the Palestinian National Authority, to participate in the meeting of the Security Council that will be held on Wednesday, 14 October 2009, regarding the situation in the Middle East, including the Palestinian question."

I propose, with the consent of the Council, to invite Mr. Al-Malki to participate in the meeting, in

accordance with the provisional rules of procedure and previous practice in this regard.

There being no objection, it is so decided.

At the invitation of the President, Mr. Al-Malki (Palestine) took a seat at the Council table.

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Lynn Pascoe, Under-Secretary-General for Political Affairs.

There being no objection, it is so decided.

I should like to inform the Council that I have received a letter dated 12 October 2009 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations, in which he requests that the Permanent Observer of the League of Arab States to the United Nations, His Excellency Mr. Yahya Mahmassani, be invited to participate in the consideration of the item in accordance with rule 39 of the Council's provisional rules of procedure. If I hear no objection, I shall take it that the Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Mahmassani.

There being no objection, it is so decided.

I invite Mr. Mahmassani to take the seat reserved for him at the side of the Council Chamber.

I should like to inform the Council that I have received a letter dated 8 October 2009 from His Excellency Mr. Paul Badji, Permanent Representative of Senegal, in which he requests to be invited, in his capacity as Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, to participate in the consideration of the item on the Council's agenda. If I hear no objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Paul Badji.

There being no objection, it is so decided.

I invite Mr. Badji to take the seat reserved for him at the side of the Council Chamber.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Council will hear a briefing by Mr. Lynn Pascoe, Under-Secretary-General for Political Affairs, to whom I give the floor.

Mr. Pascoe: Since Special Coordinator Serry last briefed the Security Council on 17 September (see S/PV.6190), political efforts to resolve the Arab-Israeli conflict have continued, but there has been no significant progress on the ground and some worrying developments have emerged.

On 21 September, in the first face-to-face meeting of Israeli and Palestinian leaders since 2008, President Obama urged the parties to meet their responsibilities and personally committed himself to help them restart negotiations. He stressed to the General Assembly the illegitimacy of continued settlements, as well as the suffering inflicted by the ongoing conflict on Palestinian and Israeli civilians. He detailed his goal of urgently starting talks, without preconditions, on the key issues of security for Israelis and Palestinians, borders, refugees and Jerusalem.

The Quartet met on 24 September and supported President Obama's efforts to relaunch negotiations, stressing the urgency of progress. The Quartet also reiterated its call on the parties to implement their Road Map commitments, and in particular for Israel to freeze all settlement activity, including natural growth, and refrain from provocative actions in East Jerusalem, and for the Palestinian Authority to make every effort to improve law and order, fight extremism and end incitement.

Both the Quartet and the Ad Hoc Liaison Committee (AHLC), which met on 22 September, expressed support for the Palestinian Authority's plan to construct the institutions of a Palestinian State within 24 months. AHLC members noted that effective reform efforts by the Palestinian Authority and donor-funded fiscal stimulus were the primary drivers of economic growth in the West Bank. The Government of Israel's relaxation of some restrictions on the movement of goods and people within the West Bank has complemented these efforts.

United States envoy Mitchell returned from the region on 12 October. Further discussions between the United States, Israeli and Palestinian interlocutors are now expected to take place in Washington in the days ahead. However, even with the full determination and support of the international community to achieve the two-State solution, the essential ingredient is the

political will of the parties to meet their obligations and negotiate an end to the conflict.

As the parties returned from New York, tensions increased on the ground. There were a number of incidents in East Jerusalem centred around Al-Haram Al-Sharif/Temple Mount. Clashes started on 27 September between Israeli police and Muslim worshippers at Al-Aqsa mosque. Rumours and an atmosphere of mistrust subsequently provoked more confrontations between Palestinians and the Israeli police during the Jewish holiday of Succoth, when tens of thousands of Jewish worshippers were present in the Old City of Jerusalem.

From 28 September, the Israeli authorities imposed new restrictions on worshippers and tourists entering the compound after several hundred worshippers associated with the Islamic Movement of Northern Israel stationed themselves within the site, claiming that radical Jewish groups were intending to alter the status quo at the compound. The Israeli authorities strongly denied these rumours. Bitter accusations from both sides, however, underline the gulf of mistrust that exists.

The Hashemite Kingdom of Jordan was active in negotiating between the Israeli authorities and the Islamic Movement members for an orderly end to the stand-off, and Special Coordinator Serry visited the compound and was in close touch with the parties to urge calm. By Saturday, 10 October, the restrictions imposed on 28 September had been lifted.

The status of the Old City and the religious sites within it are extremely sensitive issues that will be fully resolved only in final status negotiations. Until then, the repeated call of the Quartet on Israel to refrain from provocative actions in East Jerusalem and on the Palestinian Authority to refrain from incitement remains more relevant than ever. The Secretary-General continues to appeal to all sides to exercise restraint.

While the immediate crisis may have passed, we remain concerned about the broader situation in East Jerusalem and the potential for renewed tensions. On 12 October, the Israeli authorities carried out demolition orders against two Palestinian buildings in the Beit Hanina area of East Jerusalem. On 7 October, the cornerstone was laid for the further expansion of the Nof Zion settlement in the heart of the Palestinian neighbourhood of Jabal Mukabbir in East Jerusalem.

Settlement activity is illegal and undermines the efforts of all those who are striving for peace.

Throughout the West Bank, including East Jerusalem, levels of violence remained constant during the most recent reporting period. In total, there were two Palestinians killed and 105 injured, and 35 Israelis injured. Serious incidents took place at the Qalandiya checkpoint, where several Palestinians were injured; at Hussan checkpoint, where a Palestinian was shot and killed; and at Shu'fat checkpoint near Jerusalem, where an Israeli border policeman was stabbed by a Palestinian youth. There were 23 recorded incidents of violence involving settlers attacking Palestinians and their property during the reporting period, and seven recorded incidents of Palestinian attacks on settlers.

As of 29 September 2009, there were 592 movement obstacles in the West Bank, down from 618 in August. Of the 100 closure obstacles that the Israeli authorities announced that they would remove immediately prior to last month's briefing, the Office for the Coordination of Humanitarian Affairs (OCHA) has been able to confirm that 35 were removed and 22 remain in place. The remaining 43 obstacles were not recorded in the OCHA database.

In addition to these developments, tensions among Palestinians were heightened in the aftermath of the deferral of consideration by the Human Rights Council of the report (A/HRC/12/48) of the United Nations Fact-Finding Mission on the Gaza Conflict headed by Justice Richard Goldstone, which was presented to the Human Rights Council on 29 September. The deferral led to severe criticism among a wide range of Palestinian institutions and factions and the public, which included the affected populations and organizations in the region; heavy incitement against President Abbas from Hamas leaders; and public demonstrations of discontent. On 11 October, President Abbas indicated that he had given instructions to seek a special session of the Human Rights Council on the report, and such a session has now been scheduled for 15 and 16 October.

Members will recall that, at the beginning of 2009, the Secretary-General visited both Gaza and southern Israel in order to help end the fighting and to show his respect and concern for the deaths and injuries of so many people during the conflict in and around Gaza. He was and remains deeply affected by the widespread death, destruction and suffering in Gaza

City, as well as moved by the plight of civilians in southern Israel who have been subject to indiscriminate rocket and mortar fire for too long.

The Secretary-General believes that international humanitarian law needs to be fully respected and that civilians must be protected in all situations and circumstances. As he said in his address to the General Assembly, where conflicts arise justice and accountability should follow. Accordingly, the Secretary-General has from the outset supported the work of the Fact-Finding Mission.

The report makes a number of recommendations for ensuring accountability for perpetrators and redress for victims. It calls on the Government of Israel to conduct independent investigations into the many allegations of serious violations of international humanitarian and human rights law committed during the Gaza conflict. It similarly calls on Hamas — the relevant authority in Gaza — to initiate genuine and effective proceedings into the many allegations of serious violations of international humanitarian and human rights law committed by forces under its control, and calls on Palestinian armed groups to undertake to respect international humanitarian law by renouncing attacks on Israeli civilians.

As the Secretary-General has said repeatedly, peace and justice are two sides of the same coin. The Secretary-General calls upon all of the parties to carry out credible domestic investigations into the conduct of the conflict without delay. He hopes that such steps will be taken wherever there are credible allegations of human rights abuses throughout the world.

The broader situation in Gaza, especially the continued closure policy, remains unsustainable and unacceptable. Resolution 1860 (2009) contains the elements of a more strategic and principled approach, but key elements remain unfulfilled. The situation in Gaza cannot be left to further deteriorate and unravel.

After several months of relative calm, there was a worrying increase in violence between Gaza and Israel in the reporting period, with 12 projectiles fired from Gaza into Israel, including seven in one day on 28 September, as well as nine Israeli incursions and 12 air strikes. It is essential that calm not only be restored but solidified. Seven Palestinians, including two civilians, were killed and 15 more, including three children, were injured in these incidents. We continue to be concerned about reports of the smuggling of

weapons into Gaza as well as the continued closure of the Strip.

No exports were allowed out of Gaza during the reporting period, and food and hygiene items continue to make up the bulk of imports. During his meeting last month with Prime Minister Netanyahu, the Secretary-General expressed his disappointment that, despite extensive discussions, there had been no Israeli approval of the United Nations Gaza recovery proposals for schools, clinics and housing, which are strongly supported by the Quartet and the AHLC. The Prime Minister gave the Secretary-General his personal assurances that he would revisit the issue and Special Coordinator Serry has remained engaged with the Israeli authorities.

Despite ongoing recriminations among Palestinian factions, Egypt is continuing intensive efforts to secure the agreement of all factions to proposals to overcome the Palestinian divide and hold elections in the first half of 2010. We continue to support efforts to reunite Gaza with the West Bank within the framework of the legitimate Palestinian Authority, as called for by the Quartet.

Between 2 and 4 October, Israel released 20 Palestinian female detainees after Hamas presented, through a German mediator, a film clip showing Israeli Corporal Gilad Shalit alive and in good health. We certainly welcome these developments.

We continue to stress that efforts on the Israeli-Palestinian track must be situated within the broader context of comprehensive Arab-Israeli peace. On the ground, the situation in the occupied Syrian Golan was quiet during the reporting period, although Israeli settlement activity continues there. Syrian Deputy Foreign Minister Faysal Mikdad met with senior United States officials in Washington, D.C., following the General Assembly's general debate. After the visit of President Al-Assad to Saudi Arabia on 23 September, King Abdullah of Saudi Arabia arrived in Syria on 7 October for a two-day summit with President Al-Assad in an important visit for the region.

Let me now turn to developments in Lebanon. On 16 September, Lebanese President Sleiman reappointed parliamentary majority leader Saad Hariri as Prime Minister-designate. Mr. Hariri has since been engaged in intense consultations with all parliamentary factions aimed at reaching agreement on the composition of a new Cabinet and its programme. We continue to

believe that the early formation of a Government supported by all is critical to enabling the country to face important challenges in the political, economic, social and security spheres.

On 7 October, eight people were wounded when a rocket-propelled grenade exploded in the Jabal Mohsen neighbourhood of Tripoli. There was also a hand-grenade blast in another neighbourhood of the city. While these incidents were contained, they are an ongoing test of Lebanon's stability. Efforts to reconstruct the Nahr el-Bared refugee camp have been further delayed by the discovery of archaeological artefacts. The Secretary-General remains hopeful that the reconstruction of Nahr el-Bared can resume without further delay.

The situation in the area of operations of the United Nations Interim Force in Lebanon (UNIFIL) generally remains quiet. In the evening of 12 October, an explosion took place at a residential building in the village of Tayr Filsay, just south of the Litani River. The cause and circumstances of the incident are not yet entirely clear. If it was due to the explosion of a rocket or ammunition, this would be a clear violation of resolution 1701 (2006). UNIFIL, in close cooperation with the Lebanese Armed Forces, is conducting an investigation into the incident, which is still ongoing. UNIFIL and the Lebanese Armed Forces are continuing intensified operational activities in sensitive areas from which rockets could be launched. Israeli air violations continue on a daily basis.

Efforts to resume the political track are continuing, and have our full support. However, the pattern of events over the past month in the Middle East is a powerful reminder that without a credible political horizon — including commitments made, monitored and kept on the ground, and a calling to account when obligations are breached — forces of violence, tension and extremism on both sides will fill the vacuum.

Now more than ever, it is vital that politics be made credible and that those who try to undermine politics by changing facts on the ground or resorting to violence not be allowed to set the agenda. The United Nations will continue to work for a just and lasting peace in the Middle East, achieved through negotiations that are based on Security Council resolutions 242 (1967), 338 (1973), 1397 (2002), 1515 (2003) and 1850 (2008), previous agreements, the

Madrid framework, the Road Map and the Arab Peace Initiative.

We believe that robust third-party support will be helpful to the parties, and that the end goal of a two-State solution, based on the 1967 lines and the resolution of all core issues, can and must emerge quickly and meaningfully. If we do not go forward decisively towards the two-State solution, we may go back to more violence, suffering and the loss of hope. Once extinguished, that hope will be very difficult to rekindle.

The President: I thank Mr. Pascoe for his briefing.

In accordance with the understanding reached among Council members, I wish to remind all speakers to limit their statements to no more than five minutes in order to enable the Council to carry out its work expeditiously. Delegations with lengthy statements are kindly requested to circulate their texts in writing and to deliver a condensed version when speaking in the Chamber.

I now give the floor to Mr. Riad Al-Malki, Minister for Foreign Affairs of the Palestinian National Authority.

Mr. Al-Malki (Palestine) (*spoke in Arabic*): On behalf of Palestine, I congratulate you warmly, Sir, on your assumption of the presidency of the Security Council and affirm our full confidence in your able and wise guidance of our important proceedings today and the Security Council's agenda this month.

I also express greatly appreciation to the delegation of the Libyan Arab Jamahiriya for its efforts to accelerate the Council's consideration of the critical and tense situation in the occupied Palestinian territory, including East Jerusalem, and particularly with regard to the disturbing findings of the United Nations Fact-Finding Mission on the Gaza Conflict. We thank as well the Arab Group, the Organization of the Islamic Conference and the Non-Aligned Movement for their endorsement of the initiative to prompt the Council to seriously consider this grave issue, in line with its Charter responsibilities.

I also wish to thank Under-Secretary-General for Political Affairs Lynn Pascoe for his important briefing today. Regrettably, all recent assessments of the situation in the occupied Palestinian territory attest to its severity on all fronts. The negative consequences of

the continued failure to ensure Israel's compliance with international law and to promote appropriate conditions for the resumption of the peace process should give rise to concern in the international community.

We regret that, despite the persistent efforts of the United States Administration, the members of the Quartet, countries of the region and other concerned parties, no real progress has been made towards peace. This is precisely because of the failure to address the major issues of concern, foremost among which is the ongoing Israeli settler colonization campaign in the West Bank, especially in and around East Jerusalem, and the raging humanitarian crisis in the Gaza Strip as a consequence of Israel's military aggression and ongoing blockade. Israel's intransigence and defiance of the international will continue to jeopardize the prospects for realizing a just, lasting and comprehensive peace in the Middle East.

We are at a critical juncture. Sensitivities are rising to all-time highs and the need and calls for responsible action, accountability and justice are intense and must be heeded. In this regard, the report of the United Nations Fact Finding Mission on the Gaza Conflict, also known as the Goldstone report (A/HRC/12/48), constitutes yet another wake-up call to the international community that must not be ignored. At the same time, the explosive situation in occupied East Jerusalem, the heart of the occupied Palestinian territory, with all the attendant consequences should it spiral further out of control, remind us of the centrality of this issue to regional peace and security and require urgent attention.

With respect to Gaza, we are all too aware of the tragic consequences of the savage Israeli military aggression launched on 27 December 2008 against the defenceless and besieged Palestinian civilian population. More than 1,400 of them, including hundreds of innocent women and children were killed, and more than 5,500 were injured, many permanently, as the occupying forces rampaged through Gaza, using all means of heavy and lethal weaponry and exhibiting a callous disregard for human life. The widespread destruction deliberately wreaked by the occupying forces on the Gaza Strip remains shockingly in full view, as Israel continues to obstruct the reconstruction of thousands of homes, vital infrastructure, hospitals and schools, mosques, economic, industrial and

agricultural facilities and even United Nations facilities damaged or destroyed in the Israeli onslaught.

The continued imposition of this immoral, unlawful Israeli blockade and collective punishment of the population has insured that the Palestinian people in the Gaza Strip continue to live in misery amid the ruins of their homes, deepening their humanitarian hardship and stoking the raw feelings of injustice.

The investigation conducted by Justice Goldstone and his team to follow up the request by the Human Rights Council led to findings that clearly confirm that Israel, the occupying Power, committed serious human rights violations and grave breaches of international humanitarian law, including the Fourth Geneva Convention, that amount to war crimes and even crimes against humanity against the Palestinian people. They include the wilful killing of civilians, torture and inhuman treatment wilfully causing great suffering, serious injury to body and soul and extensive destruction of property not justified by military necessity. All this was carried out unlawfully and wantonly and gives rise to Israeli criminal responsibility.

The investigation concluded that Israel failed to take the precautions required by international law to avoid or minimize loss of civilian life, injury to civilians and damage to civilian property, flagrantly violating the principle of distinction. Moreover, it concluded that that Israeli military campaign was planned in all of its phases as a deliberately disproportionate and systematic attack aimed at punishing, humiliating and terrorizing the Palestinian civilian population, radically diminishing its domestic economic capacity to sustain itself and forcing upon it a heightened sense of dependency and vulnerability. That shocking finding is confirmed thousands of times over by the depth of the trauma and anguish suffered by the Palestinian people to this day. All the Palestinians — men, women, the disabled — suffered much, and that affirms the veracity of those facts.

The members of the United Nations Fact-Finding Mission on the Gaza Conflict — Justice Richard Goldstone, Professor Christine Chinkin, Ms. Hina Jilani and Colonel Desmond Travers — should be commended for the thorough investigation they carried out and for the comprehensive and serious report they compiled under difficult circumstances, including Israel's refusal to cooperate with the

Mission. Those individuals are eminent jurists and experts of integrity and professionalism who cannot be challenged by anybody.

In that context, we are aware that the Mission investigated all allegations of violations of international law in the course of the Gaza conflict, including the allegations against the Palestinian side. While we reject any equation of the occupying Power's aggression and crimes with actions committed in response by the Palestinian side, we wish to reaffirm that there is no symmetry or proportionality between the occupier and the occupied. We take very seriously the allegations contained in the Goldstone report regarding possible Palestinian violations.

We once again affirm our respect for and conviction of the rule of law, including international humanitarian law. We reiterate the commitment, as publicly stated, to the pursuit of domestic legal investigations to address that crucial matter.

Yet what the Goldstone report essentially constitutes is another damning record of the Israeli crimes committed against our people under occupation. Its recommendations represent a significant contribution to the pursuit of accountability and justice. In this regard, while significant deterrent power is presented by this report, along with other pertinent investigations that preceded it — including the report of the Secretary-General's board of inquiry and investigations by the League of Arab States Independent Fact-Finding Committee on Gaza, the International Committee of the Red Cross, Amnesty International, Human Rights Watch and numerous other organizations — it is clear that serious and responsible follow-up at all levels is imperative. This is very important to prevent the recurrence of such Israeli crimes against our people.

Tomorrow the Human Rights Council will convene a special session based on a Palestinian initiative at the call of His Excellency President Mahmoud Abbas to rectify the malfunction that occurred at the Council in Geneva two weeks earlier. We thank all the countries that supported the request for this session. We hope that the Human Rights Council will endorse the Goldstone report and will formally convey it to the pertinent United Nations bodies, in conformity with the report's recommendations.

We firmly believe that in the long run the pursuit of accountability for war crimes will better serve the cause of peace, which cannot be attained without justice. In that connection, we recall sage words by eminent signatories of the 16 March 2009 open letter to the Secretary-General and the Security Council:

“We have seen at first hand the importance of investigating the truth and delivering justice for the victims of conflict. We believe it is a precondition to move forward and achieve peace in the Middle East.”

We thus believe that the implementation of the recommendations contained in the Goldstone report must be seriously pursued. The Security Council must uphold its Charter duty to address matters crucial to the maintenance of international peace and security. The General Assembly, the International Criminal Court, the Secretary-General, the High Commissioner for Human Rights and the international community as a whole, here at the United Nations, as High Contracting Parties to the Geneva Convention — all should act on the report's recommendations, in implementation of the principle of universal jurisdiction and in accordance with their respective roles and responsibilities. The credibility and foundations of international human rights law and humanitarian law, as well as of the United Nations as a whole, is at stake.

The world has for too long witnessed Israel's impunity, knowing well that it has been repeatedly fuelled by the lack of punishment and accountability. The tragic consequences have been suffered by generations of innocents throughout sixty years of statelessness and diaspora and over 42 years of occupation. We must break that vicious cycle. There must be an outcry against the perpetrators of war crimes, not against those who seek justice for the victims.

Israel must be stopped from committing the violations and crimes it continues to carry out against the Palestinian people in the occupied Palestinian territories, including East Jerusalem. In that connection, I wish to emphasize today the gravity of the situation prevailing there. The situation is highly volatile due to Israel's illegal and provocative actions and incitement, including flagrant pursuit of settlement activities and acts by extremist settlers at the Al-Haram Al-Sharif compound, including closing and besieging the Al-Aqsa mosque, threatening to use force, inciting

feelings and other provocations so that Israel can avoid resumption of the peace process and can claim that there is no Palestinian partner for peace. All this requires urgent attention and action by the international community, including this Security Council. They threaten the use of force and to block the Al-Haram Al-Sharif compound. This gives the Israelis a excuse to justify their control of the Al-Aqsa mosque and to shirk the responsibilities of peace, resorting to the same bankrupt rhetoric and claiming that there is no Palestinian peace partner. Such conduct calls for just and firm action by the international community, including the Security Council.

In recent months and weeks, we have drawn the Council's attention to the increasing and unprecedented levels of Israeli aggression in occupied East Jerusalem. The occupying Power's settler colonization measures and the lawless acts of terror, violence and provocation committed by its settlers in the city are inflaming tensions and threatening to ignite an already fragile, precarious situation on the ground. The entire international community has called for the full and immediate cessation of Israeli settlement activities, including so-called natural growth in the occupied Palestinian territory, including East Jerusalem.

Yet Israel continues to blatantly flout these calls, international law and United Nations resolutions; to construct and expand settlements, settlement infrastructure and the separation wall; to confiscate more Palestinian land; to transfer more Israeli settlers, especially in and around East Jerusalem; and to take other illegal measures aimed at altering the demographic composition, character, nature and status of occupied East Jerusalem, including the ongoing demolition of Palestinian homes, the eviction of Palestinian families and their replacement by settlers, as well as the revocation of residency permits. Israel builds new settlement neighbourhoods, such as those in Al-Bustan, Silwan, Jabal Mukkabir and Al-Sheikh Jarrah. It also continues to carry out excavations, including around and beneath Al-Haram Al-Sharif, where it has also permitted extremists to perpetrate acts of provocation and incitement, inflaming religious sensitivities not only in the Holy City but far beyond, throughout the Arab and Islamic world.

If such illegal actions and incitement remain unaddressed, the consequences at the political and security levels will surely be grave. Not only do such actions have enormous potential to reignite the cycle of

violence between the two sides, but, as we have repeatedly cautioned, every such illegal act of colonization and provocation further threatens the prospects for reviving the peace process and for achieving the two-State solution for peace on the basis of the 1967 borders. That could very well be one of Israel's aim today.

History has shown that the prosecution of war crimes and the achievement of justice are, regrettably, not an immediate process. They require perseverance, principled positions and commitment based on international law and moral principles. We will therefore continue our pursuit of justice and to reject and call for an end to the impunity that has allowed Israel for all these years to commit mass crimes against the Palestinian people without fear of punishment. We want to turn the page on this horrific and tragic chapter for Palestine and cross the threshold into a new era in which our people can live in peace, freedom and dignity in an independent State of Palestine, with East Jerusalem as its capital, exercising the rights to which all human beings are entitled but which have so long been denied them.

To that end, we will have to act, individually and collectively, with the utmost urgency and responsibility to promote respect for the human rights and international law that are essential to making this new era a reality and to achieving genuine peace and coexistence in the region. Unchecked impunity and the absence of justice will only continue to obstruct peace efforts and prolong this tragic conflict and civilian suffering. As Justice Goldstone said before the Human Rights Council,

“a culture of impunity in the region has lasted for too long. The lack of accountability for war crimes and possible crimes against humanity has reached a crisis point ... The mission is convinced that the international community must confront the realities highlighted in this report and by doing so find a meaningful basis for the pursuit of peace and security for all the people of the region. Only in that way will the human dignity and security of these people be realized.”

The President: I give the floor to the representative of Israel.

Ms. Shalev (Israel): Let me thank Under-Secretary-General Pascoe for his informative and important briefing highlighting the very complex,

broader aspects of the situation in the Middle East. May I also take this opportunity to bid farewell to a friend and diplomat, the Permanent Representative of the United Kingdom, and to thank him for his great work for peace and security in this Council. I wish Sir John Sawers great success in his next mission.

The Security Council meets today for its monthly debate on the situation in the Middle East and the question of Palestine. Since the most recent meeting on this matter, an important trilateral meeting has taken place between United States, Palestinian and Israeli leaders. Since that meeting, Special Envoy Senator Mitchell and his team have been relentlessly engaged in an effort to put the peace process back on track.

And less than a week ago, the Nobel Peace Prize was awarded to the President of the United States. Allow me to congratulate President Obama and the people of the United States on this honourable recognition. The Nobel Prize was granted to President Obama for his “extraordinary efforts to strengthen international diplomacy and cooperation between peoples” in pursuit of peace. The Middle East is indeed one of those areas yearning for peace — a peace based on the vision laid down by the United Nations itself in 1947: two States for two peoples.

Israel seeks peace. We want a genuine peace, a defensible peace, a permanent peace. A peace in which two States, one Jewish, one Palestinian, will live side by side in peace and security. Recognizing such a vision will move the peace process forward. Terrorism, bloodshed and incitement will not.

Let me briefly describe the reality on the ground. As I have lately communicated, the month of September witnessed an alarming rise in terrorist attacks. In the South, 13 rockets and mortars were fired at Israel from the Hamas-controlled Gaza Strip. Fifteen other attacks were launched with light weapons and anti-tank missiles. There were multiple attempts by terrorists to infiltrate Israel and to plant explosives along the fence between the Gaza Strip and Israel.

To our North, three rockets were launched on Israeli territory from southern Lebanon. The Hizbullah terrorist organization continues to receive deadly weapons from its sponsors. Members of this Organization. At the same time, Hizbullah is building a military infrastructure in the midst of the civilian population south of the Litani River. Its operatives and affiliated civilians openly threaten the United Nations

Interim Force in Lebanon (UNIFIL), obstructing it from discharging its mandate. The explosion of an actively maintained weapons depot in Khirbat Salim on 16 July proved beyond any doubt that Hizbullah's violations are the greatest obstacle to the implementation of resolution 1701 (2006).

In addition, two days before the present meeting, another explosion of arms occurred, in a civilian home in the village of Tayr Filsay. That grave incident once again highlights a reality that we have been facing for years in southern Lebanon, as well as in Gaza: a terrorist organization, rearming and deploying within civilian areas, endangering not only peace and security but, cynically, the very civilians themselves.

The evidence of that phenomenon is clear, as was demonstrated yesterday in southern Lebanon and seen on television or on our computer screens. We expect UNIFIL and the relevant United Nations authorities to promptly conduct a thorough investigation into that incident and to share its findings with the Governments of Lebanon and of Israel and with the members of the Security Council. Southern Lebanon is occupied by terrorism: Hizbullah's terrorism. We trust that the upcoming report of the Secretary-General on resolution 1701 (2006) will offer practical and tangible steps towards further implementation of that important resolution.

This is the situation in the Middle East. Behind Hizbullah's defiance and build-up stands Iran. Iran's sponsorship and support of terrorism is pushing the region towards instability and conflict. As Iran hurtles towards nuclear weapons capabilities, coupled with long-range missiles, its leaders refuse to truthfully answer the inquiries and demands of the international community. The recent Iranian admission of a uranium enrichment plant outside Qom leaves no doubt: the Iranian nuclear programme is an international crisis.

That country, Iran, is driven by religious extremism, officially sponsors Holocaust denial and violently suppresses the democratic aspirations of its citizens, while continuing to promote international terrorism. The world's most dangerous weapons are quickly falling into the hands of the most dangerous regime in the world. That is the real threat to peace and security in our region and in the world.

Five years ago, in the pursuit of peace, Israel dismantled 21 settlements and uprooted over 8,000 Israelis from the Gaza Strip. The former Secretary-

General, Kofi Annan, called Israel's actions a courageous decision. This very Council commended the ongoing implementation of the disengagement process. Member States assured us that if Israel needed to defend itself, international legitimacy would be on our side.

Yet Israel's hope turned into a nightmare. Instead of promoting a functioning Palestinian society, Hamas has built an infrastructure of terror. Instead of promoting peace, Hamas has murdered and silenced opposition, while inciting an entire generation to kill and hate. Gaza is occupied by terrorism: Hamas terrorism. Hamas openly rejects Israel's right to exist. Hamas openly rejects a two-State solution. Their charter calls for Jews to be killed and quotes notorious anti-Semitic citations.

Yet the world does nothing. As Hamas smuggled a constant supply of deadly Iranian arms into Gaza, the world did nothing. As Hamas placed weapons and launched attacks from within schools, mosques and hospitals, the world did nothing. As Hamas fired 12,000 rockets against 1 million innocent Israeli men, women and children, the world did nothing. That is the situation in the Middle East.

This monthly meeting was supposed to take place next week, but was rescheduled due to what was described as the urgency of the matter. An outside bystander would think that the issue of such an urgent meeting would be the continuous shelling of Israeli territory by terrorists from Gaza and Lebanon, or the continuous threats from Iran's nuclear development.

However, the urgency of the matter is a pretext to hijack the Council's agenda by raising an issue here that belongs elsewhere. The Member State responsible for this dereliction of procedure is, as we all know, the Libyan Arab Jamahiriya. This is the Member State, a true champion of human rights, which recently offered an official hero's welcome to an arch-terrorist. That arch-terrorist is responsible for the cold-blooded murder of hundreds of innocent men, women and children over the skies of Lockerbie. This is the same Member State whose leader, in his memorable soliloquy before the General Assembly three weeks ago (see A/64/PV.3), called the Security Council a "Terror Council".

Today we have heard references to the Goldstone report (A/HRC/12/48). Although the debate on that report belongs elsewhere, let me briefly state Israel's

position. I regret to say that the Goldstone report is one-sided, biased and therefore wrong, just like the forum and the mandate that established its mission. The report favours and legitimizes terrorism. It is a prize for terrorist organizations. It denies Israel's right to defend its citizens. It falls directly into the pitfall strategically laid by terrorist organizations around the world. It prevents and will prevent democratic Member States from defending themselves against terrorism. It permits terrorists to victimize civilians, target the innocent and use those it claims to defend as human shields.

By trying to bring that report before a so-called urgent debate in the Security Council, the Council's attention was diverted from the reality in our region. Rather than dealing with the situation in the Middle East, and instead of encouraging the parties to move towards peace and resume negotiations, the debate in this Council has been shifted to discussing a narrative that is destructive to the peace process.

For those of us who seek to resume the peace process in the Middle East, debating the Goldstone report in the Security Council is but a tale full of sound and fury, signifying nothing. If Israel is asked to take further risks for peace, the international community must recognize our right to self-defence.

The President: I shall now give the floor to members of the Council.

Mr. Shalgham (Libyan Arab Jamahiriya) (*spoke in Arabic*): First of all, I would like to thank you, Mr. President, for having organized this emergency meeting of the Security Council in accordance with the understanding reached within the Council.

I thank Mr. Lynn Pascoe for his briefing. We also welcome our brother, Riad Al-Malki, Minister for Foreign Affairs of the Palestinian National Authority.

As I said at a previous special meeting of the Council, I believe that there is a need to focus on the Goldstone report (A/HRC/12/48). That is because the Palestinian issue, including the occupation, in spite of its complexity, is sometimes summarized superficially — for example, by stating that it mainly concerns the settlements.

That is not so. The cause of the crisis and the source of all the violence and tension in the region over the past six decades is the ongoing Israeli occupation. The inhuman practices of the Israeli authorities, in

particular the blockade that is still in effect, the expansion of settlements, the building of the racist separation wall despite the advisory opinion of the International Court of Justice, the daily systematic humiliation of the Palestinian people at checkpoints and in prisons, 11,000 detainees, including women and children, the destruction of their homes, the attempts to Judaize Jerusalem, the attacks on the Al-Aqsa mosque and the ongoing attacks by racist settlers on Palestinian citizens — the ongoing occupation is the main reason for all these violations of international humanitarian law and of the human rights of the Palestinian people.

Despite the adoption of resolution 1860 (2009), despite the outcome of the donors conference held in Sharm el-Sheikh on the reconstruction of Gaza and despite the most recent initiative of the Secretary-General aimed at lifting the blockade, the occupying authorities have stubbornly maintained their blockade. As the Israeli authorities are the occupying authorities, this is considered a blatant violation of their obligations under the Fourth Geneva Convention. They do this because they are convinced — indeed, assured — of their allies' support. That means that Israel no longer has to abide by any laws.

The international community and the Security Council in particular are still unable to refrain from using double standards in dealing with Israel. The international community is still not able to force Israel to respect international law and international humanitarian law or to implement Security Council resolutions, despite all the reports from the various United Nations bodies, agencies and commissions.

The most recent report is that of the United Nations Fact-Finding Mission on the Gaza Conflict, better known as the Goldstone report. That report reiterates that the occupying authorities have committed grave violations of human rights and international humanitarian law and that those acts constitute war crimes and crimes against humanity.

The Goldstone report is not the first on this issue. There were a number of previous reports, in particular the report by Archbishop Desmond Tutu on the Beit Hanoun massacre, the report of the international alliance for the defence of the victims of aggression and the report of the Board of Inquiry set up by the Secretary-General. All of them have concluded that the Israel army carried out direct and deliberate attacks against United Nations headquarters despite the

Organization's immunity. That has resulted in a great many deaths and injuries among those who sought shelter there, including United Nations staff members.

That report called for an independent inquiry to be held. However, the immunity that Israel enjoys meant that that report experienced the same fate as previous reports. This reinforces Israel's belief that it cannot be touched, that it is above all laws. It encourages Israel to continue to commit crimes.

However, the scale of the crimes committed against Gaza, as described in the Goldstone report, is a wake-up call for the international community and the various international organizations. We must warn that if we disregard what is contained in this report, we will be losing ground in the progress made on human rights since the adoption of the Universal Declaration of Human Rights. That would make the concept and ideals of human rights mere empty words, a tool to be used by certain States for their own political purposes. Violations of international law must be dealt with firmly when committed by a party allied with big Powers.

Before I address the issue of the Goldstone report, I would like to respond to those who say that it is not objective or fair. The Goldstone mission gathered facts in the following ways. Reports from various sources were considered. Interviews were conducted with victims and individuals who had confirmed information at their disposal. There were visits on the ground. Video footage and photographs were analysed, and satellite images were examined. Medical reports were considered. The reports of forensic scientists were analysed. Weapons were examined. There were calls for written information to be provided. Public hearings were held, and 188 individual interviews were held. Over 300 pieces of information, reports and documents were analysed.

Regardless of the nature of this information, this amounts to over 10,000 pages, 30 videos and 1,200 photographs. Of course, the Government of Israel simply refused to cooperate with the Mission.

We are aware of some of the procedures engaged in by international organizations, but this clearly shows that war crimes and crimes against humanity have been committed. This is more important than the rules of procedure, which cannot simply sail on seas of blood, far removed from the violence and destruction taking place. They cannot mask the horrifying disabilities that

have been visited upon women, children and the elderly.

The report reiterated more than once that the Israeli authorities have committed war crimes and crimes against humanity. It reaffirmed that the Israeli blockade of the Gaza Strip was a policy of collective punishment and a violation of the Fourth Geneva Convention. The fact that the Security Council did not speak out about this simply means that it accepts that this should continue. The report lists the great number of crimes committed by the Israeli army and the Israeli Government against the Palestinian people. For example:

"The Mission investigated several incidents in which the Israeli armed forces used local Palestinian residents to enter houses which might be booby-trapped or harbour enemy combatants" (*A/HRC/12/48, para. 1925*).

During those searches, the men were handcuffed and blindfolded. The use of these individuals as human shields constitutes a war crime.

The report also indicates a number of attacks that were carried out, in particular the destruction of the only flour mill in the Gaza Strip, the attempted destruction of the water supply system and the destruction of a poultry processing plant. All of these are violations of international law and are considered war crimes.

Israel has masked its true intentions since the beginning of the war against Gaza, within the framework of its Operation Cast Lead, an operation carried out against a besieged people, a people on the brink of famine, an occupied, besieged people who have nothing left but their readiness to face up to the occupation. That is exactly what Mr. Goldstone stated. The Mission carried out a detailed investigation and included in its report statements by Israeli political and military leaders that they would target the infrastructure of the Hamas movement. Hamas is the freely and democratically elected authority of the Palestinian people.

If this is what passes for a legitimate military target — despite the fact that it constitutes a violation of international humanitarian law built up over the past century — that would make civilians and civilian infrastructure legitimate targets. We can therefore affirm that these attacks represent instances of

vengeance and collective punishment. And that constitutes war crimes.

The report reaffirms in paragraph 1883 that the Israeli army targeted all the inhabitants of Gaza and did not distinguish between combatants and civilians, and that this was the result of clear orders given to the soldiers. These were not blunders. That is affirmed in paragraph 1889. The report also clearly represents that Palestinians were the targets of ongoing, systematic ill-treatment and subject to humiliating and degrading treatment, which violates the principles of international law and human rights law. The Fact-Finding Mission again concludes that such conduct represents collective punishment of civilians. In other words, it violates the Fourth Geneva Convention relative to the Protection of Civilian Persons in Times of War and thus constitutes a war crime.

The attack on Gaza was unprecedented in terms of both its violence and ferocity and of the extent to which it flouted basic tenets of international law and human rights. The Israeli army knowingly targeted hospitals, ambulances, mosques and United Nations installations. Paragraph 36 states that the Fact-Finding Mission found no proof of Israeli allegations that Palestinian militants had used these buildings as shields for military purposes.

The Security Council did not fulfil its responsibility to protect civilians in the Gaza strip. That is reaffirmed in paragraph 1916 of the report. The report reiterates that the Mission noted that the international community remained silent. The Security Council did not take action to protect civilians in the Gaza strip and the occupied Palestinian territory in general. That makes it amply clear that the Security Council did not adequately respond to the Gaza blockade and its consequences. It would have been wise for the Council, given its responsibility for maintaining international peace and security, to adopt the report and to invite the Human Rights Council to debate it in order to ensure that it did not suffer the same fate as previous reports.

The Israeli position on the peace process has been made very clear by declarations issued by the Israeli authorities. They do not hesitate for one moment to state that they will grant the Palestinians nothing. They call for a racist Jewish State. They want to expel the Palestinians who lived there before 1948. Special emissaries to Israel return empty-handed again and

again, revealing the peace process as a simple absurdity that will lead to nothing. Proof of this lies in the fact that nothing has been done or achieved to lift the blockade on Gaza and to end its colonization.

It is time to end the culture of impunity in the region that has prevailed for so long and led to yet another crisis. As Justice Goldstone has very rightly said, it undermines all hopes and aspirations for peace in the region. It is necessary to bring the criminals to justice and to compensate victims of Israeli crimes in order to move forward the peace process forward. Israel's ongoing settlement activity, collective punishment and humiliation of the Palestinian people will only lead to an escalation of violence, death and suffering.

I conclude by referring once more to the Goldstone report. The commitments of the Israeli Government to the Israeli people in no way justify the policy of collective punishment against an occupied people. Nothing can justify the fact that the Palestinian people have been deprived by the disastrous operations in Gaza of their right to live in dignity. This will lead to succeeding generations growing up in a culture of hatred and enmity and in a future offering very little hope.

Mr. Heller (Mexico) (*spoke in Spanish*): I thank Under-Secretary-General Pascoe for his briefing on the situation in the Middle East. I also thank the Foreign Minister Al-Malki of the Palestinian National Authority and the Permanent Representative of Israel, Ambassador Shalev, for their statements.

The Security Council is meeting once again to assess the situation in the Middle East in a context of growing tension in the region and scant progress in the peace process, as the Under-Secretary-General told us. At our last informal meeting on this matter, we expressed our hope that the high-level meetings to take place at the margins of the general debate could lead to the unconditional resumption of peace talks between Israeli and the Palestinian National Authority. We welcome the holding of the trilateral meeting among President Barack Obama, Prime Minister Benjamin Netanyahu and President Mahmoud Abbas. We regret, however, that negotiations have yet to attain a definitive peace in the Middle East.

The resumption of the peace process hinges on the will and commitment of all of the parties to the conflict. The international community, for its part, has

the obligation to facilitate the process in order to ensure a fair and lasting peace in the region. We therefore express our appreciation to President Obama and his special envoy George Mitchell for their resolve in laying the foundations of dialogue between Israel and the Palestinian National Authority founded on trust and mutual respect. Furthermore, we reiterate our support for the Quartet and the statement it issued last September, in which it underscored the essential principles for attaining comprehensive peace in the Middle East. We share the sense of urgency expressed by its members and recognize the need for the parties to meet their commitments and obligations, in particular those contained in the Road Map, if conditions conducive to the resumption of the peace process are to be met.

It is therefore essential that Israel put an end to the establishment of new settlements in the occupied territories, including East Jerusalem, and to so-called natural growth. The demolition of homes, the expulsions and the expansion of settlements in East Jerusalem represent a serious obstacle to the peace process. Similarly, the agreement on places of worship must be respected and provocations that weaken prospects for dialogue avoided.

The Palestinian National Authority, for its part, should continue to strengthen its political and security institutions, with the support of the international community. We welcome the announcement by Prime Minister Fayyad that the institutions necessary to create a Palestinian State will be built in a reasonable time frame.

To that end, as the Palestinian security forces increase their control over their territory, it is essential that Israel simultaneously lift restrictions on the movement of people and goods. We note the dismantling of some obstacles and a reduction in the number of military personnel that Israel has stationed at certain checkpoints in the West Bank. We hope that those actions are definitive and that they lead to the complete and irreversible dismantling of all checkpoints.

Furthermore, it is essential that progress be made in the process of inter-Palestinian dialogue being carried out with Egypt's support. We regret that the signing of the reconciliation agreement between Palestinian factions, slated for late October, has once again been postponed. The unity of the Palestinian

Government is an element essential to the achievement of a comprehensive and definitive settlement in the Middle East.

With winter about to begin, it is of vital importance that access to Gaza be provided for humanitarian aid and reconstruction in order to avoid a new humanitarian disaster. That is why we stress the need for the full implementation of resolution 1860 (2009) and for the establishment of an international monitoring mechanism that ensures a lasting ceasefire, the opening of border crossings and control over illicit arms trafficking. We support all initiatives aimed at establishing such a mechanism, which is the only way to ensure the gradual normalization of the situation in the Gaza Strip.

We also recall that peace in the Middle East is linked not only to the question of Palestine, but also to regional stability. For that reason, we are concerned about two successive incidents that occurred in southern Lebanon in July and just a few days ago. According to the information available to date, they appear to have been violations of resolution 1701 (2006). We urge the Government of Lebanon, in cooperation with personnel of the United Nations Interim Force in Lebanon, to take the measures necessary to prevent another such incident. We also reiterate our appeal to Lebanon and Israel, as well as all other parties involved in this conflict, to comply with the provisions of resolution 1701 (2006).

Our debate today coincides with the discussions currently under way in Geneva concerning the report of the Human Rights Council's United Nations Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48), led by Judge Richard Goldstone. We are convinced that, at this time, the Security Council must avoid greater politicization and polarization of the positions that have been expressed in that regard.

Thus, we believe that it is inappropriate for the Security Council to consider or pronounce itself on the report before the Human Rights Council, which is the competent organ on this matter and mandated the drafting of the report. The Human Rights Council's decision to consider the report within an established timetable — adopted in Geneva a few days ago — must be respected by the Security Council. Mexico is studying the Goldstone report with all due care and will participate in its consideration and the analysis of its recommendations within the Human Rights Council.

Let us be clear: there are no good or bad violations of international humanitarian law. We reiterate once again that, in any armed conflict, all actors involved must respect the provisions of international humanitarian law at all times and in any circumstances. This is not subject to free interpretation by the parties to a conflict. All alleged violations of international humanitarian law deserve to be investigated and punished when appropriate.

As on many past occasions, we now find ourselves at a defining moment for the peace process, which could lead to a resumption of negotiations or, should that fail, to a new spiral of violence that would aggravate yet further the instability in the region. The objective, known to all, is clear: the achievement of a comprehensive and definitive settlement of the conflict in the Middle East that would reaffirm the recognition of Israel's right to exist and allow for the establishment of a politically and economically viable Palestinian State coexisting in peace with Israel within secure and internationally recognized borders, in accordance with the relevant Security Council resolutions, the Road Map, the Madrid principles and the Arab Peace Initiative.

Mr. Takasu (Japan): I would like to express my appreciation to you, Mr. President, for arranging today's meeting on the situation in the Middle East. I would also like to thank Under-Secretary-General Lynn Pascoe for his comprehensive briefing and to welcome the presence of the Foreign Minister of the Palestinian National Authority at this meeting.

If we are to overcome differences and achieve a just, comprehensive and lasting peace among all parties in the Middle East, there is no formula other than the pursuit of genuine dialogue. Even in areas where the parties face seemingly insurmountable difficulties, they must attempt to overcome them through dialogue and negotiation. Without genuine dialogue and negotiation, there can be no progress in the Middle East peace process.

The international community should promote momentum for peace. We therefore welcome the recent trilateral meeting among President Obama, Prime Minister Netanyahu and President Abbas, which was a significant step towards the relaunching of direct peace negotiations. Japan reaffirms its strong support for the initiative taken by the United States for the resumption of peace talks aimed at the two-State solution.

Japan shares serious concerns about Israeli settlement activities and the recent clash between Israeli forces and Palestinians at Al-Haram Al-Sharif. Their negative impacts should not hinder a resumption of the peace talks. It is imperative that all parties fulfil their obligations under the Road Map with a view to the achievement of the two-State solution and Middle East peace.

Japan would like to call on the Israeli Government to freeze all settlement activities, including natural growth, and to refrain from provocative actions on its territory. At the same time, we call on the Palestinian Authority to continue to make every effort to improve the security situation by abiding by its commitment to cease violence and terrorism. Unification of the Palestinian side is also important to promote the peace process. We express our strong support for Egypt's efforts to achieve reconciliation between Fatah and Hamas.

The Security Council has been closely following the humanitarian situation in Gaza and adopted resolution 1860 (2009), in which we expressed serious concern over the damage caused to civilian and United Nations facilities in Gaza. Nine months after the adoption of the resolution, the situation is very precarious. We are deeply concerned about this situation. The international community must maintain its assistance to and support for the people in Gaza. We urge Israel to cooperate with the Secretary-General's efforts and to ensure smooth access to goods for Gaza, as well as the free movement of people.

As we have pledged to do, Japan will continue to extend its assistance to improve the humanitarian situation in Gaza. We are convinced that improving the humanitarian conditions in Gaza is one of the most important and urgent priorities in building the Palestinian State and promoting the peace process. One might even state that there will be no progress in the Middle East peace process without significant improvement in the humanitarian situation in Gaza.

In that connection, I should like to refer to the report of the United Nations Fact-Finding Mission on the Gaza Conflict, headed by Justice Richard Goldstone (A/HRC/12/48). The Mission was mandated by a decision of the Human Rights Council. We appreciate the work of the Fact-Finding Mission, in particular its effort to try to ensure a degree of balance in its report. We believe that the findings and

recommendations of the Goldstone report should be carefully reviewed, first and foremost by the Human Rights Council within its mandate. It is important for the Security Council to follow closely the discussion in the Human Rights Council. In the light of the outcome, the Security Council could consider an appropriate way in which to deal with the report in a unified manner.

Mr. Guillermet (Costa Rica) (*spoke in Spanish*): Let me begin, Mr. President, by thanking you and your delegation for having convened this debate. I thank you also for this month's programme of work, which includes a number of very important open meetings that will provide an opportunity for interaction between the States concerned and other Members of the United Nations. I wish also to thank Mr. Pascoe for his briefing, and I welcome the presence among us of Mr. Riad Al-Malki, Minister for Foreign Affairs of Palestine, and of Ambassador Gabriela Shalev, Permanent Representative of Israel.

I wish to set out my country's position on the Council's discussion of the report of the United Nations Fact-Finding Mission on the Gaza Conflict, the Goldstone report (A/HRC/12/48). The Mission was mandated to investigate violations of international human rights law and international humanitarian law during the military operation in Gaza. It is important to discuss the report, which merits the close attention of the international community.

Our initial appraisal is this is a serious report prepared by a Mission led by an upright man with an unquestioned track record, and that it is worthy of our full consideration.

However, it is premature for the Council to discuss the substance of the report when the Human Rights Council itself has not taken the relevant decisions. To do so without being able to produce a concrete outcome following our consideration would only contribute to trivializing it. For that reason, we welcome the fact that the Human Rights Council in Geneva has decided to take action on the Goldstone report this week. We will follow closely the Human Rights Council's decisions with respect to the report's recommendations. We hope that in some way Justice Richard Goldstone's report will contribute to assigning responsibility.

A key element of the report, drawn from its conclusions, is that there is a need to establish responsibility through accountability mechanisms. It is

essential to prevent impunity, and in that connection we urge the parties to continue their efforts. In particular, we urge the Israeli Government to pursue the investigation that, as it has informed the international community, it has undertaken, and to make public its outcome.

We also underscore the Goldstone report's comprehensive approach, which makes recommendations to a number of bodies of the United Nations system, to the parties and to insurgent groups. We reaffirm, as we have done on prior occasions, that the Security Council bears the obligatory responsibility to protect civilians in armed conflict whenever and wherever necessary. The Council must employ all its deterrent potential to persuade all State and non-State parties to respect international law and permit unhindered access for humanitarian assistance.

The Security Council's silence for reasons of individual convenience should not signal impunity for those who ignore international law. Nor should it signify cruel indifference to those who call upon the Council for help. The search for justice is essential: no State or armed group should be above the law.

A month ago, we had hoped to see genuine progress in the Middle East peace negotiations, leading to the renewal of direct talks between the parties. That hope was nourished by the announcement of important meetings underpinned by diplomatic efforts on the margins of the General Assembly. Unfortunately, this did not happen. Negotiations have not progressed at the pace that the international community had hoped for. That, unfortunately, is the only truth that we can speak on this conflict.

Costa Rica welcomed the downturn in violence in the course of this year, along with the relative easing of the security situation and the growing responsibility of Palestinian security forces for keeping the peace in the West Bank. We also see as positive the authorization of entry into Gaza of construction materials and a lifting of obstacles to movement in the West Bank. We look favourably on those gestures and successes. We hope, however, that they are not mere mirages giving rise to baseless hope. The progress will not be significant unless there is a political process that constantly moves forward. Increased responsibility for civilian security on the part of the Palestinian Authority can be meaningful only if it leads to the prompt establishment of a Palestinian State within recognized borders

resulting from a dynamic political process of negotiations between the parties. Goodwill gestures are highly appreciated, but they will be nothing more than gestures unless they lead to a lasting change in attitude towards partners in dialogue.

We are most hopeful with respect to diplomatic efforts founded on growing consensus regarding a comprehensive approach to resolving the conflict. Costa Rica has been suggesting such an approach for more than 20 months: it would abandon a sequential methodology and embrace a comprehensive one. We know that if there is to be success in resolving the Israeli-Palestinian conflict there must also be an easing of tensions in other conflicts in the region that have a negative impact on the resolution of that one. The States of the region must also demonstrate their commitment to lasting peace by recognizing the State of Israel and by adopting policies of good-neighbourliness towards Israel based on mutual security.

In that regard we are hopeful at — and encourage — the endeavours of the Obama Administration through its Special Envoy, George Mitchell.

Seven months have passed since the current Israeli Administration was formed. The clock seems to have been turned back. There has been an attempt to ignore prior agreements and consolidate gains based on cunning arguments — despite the international community's unanimous condemnation of such conduct and its warning that this approach will not bear legitimate fruit.

The Palestinian party too should contribute to the success of the process towards resolving the Israeli-Palestinian conflict. It should strengthen its measures to confront extremism and respond to Israel's legitimate security concerns. Palestinian reconciliation is another pending issue: Hamas cannot remain outside the peace process, and it must not sabotage the political process. Costa Rica hopes that Egypt's efforts will lead to unity among the Palestinian people and to a commitment to a negotiated solution of two peoples living side by side in peace. The current leaders of the Palestinian Authority merit our support, but in our view it is important for them to prevent their territory from being used by those wishing to thwart the process. It is imperative that neighbouring moderate Arab countries, as dedicated partners for peace, help the Palestinian Authority in its endeavours to prevent the conflict from

being used as a platform for extremist acts and defiant statements against Israel by others in the region.

It may be that the time has passed for implementing prior agreements. But these are the sole foundation for new agreements. Once again, we must deplore the continuing Israeli policy of settlement activities, demolitions and expulsions that affect Palestinians in the East Jerusalem. Such actions are illegal and unacceptable; they exacerbate tensions and are an obstacle to the peace process. Costa Rica recognized Palestine as a State almost two years ago, and we believe that the international community should contribute to the resolution of the Israeli-Palestinian conflict by universalizing such recognition and accepting the Palestinian State as a full Member of this Organization. If the parties fail to reach an agreement within a reasonable timeframe, the most sensible course of action would be to assume the responsibility of establishing a Palestinian State and granting it membership in this Organization.

We reiterate the concerns that we have already expressed with regard to the humanitarian situation in Gaza and our call for the respect of international law, in particular international humanitarian law as established by the Geneva Conventions and their Protocols.

Finally, I should like to take this opportunity to express that, while my delegation will be studying the reports of the Secretary-General on the implementation of Security Council resolutions 1559 (2004) and 1701 (2006) over the coming weeks, we believe that the explosions on 12 October in Tayr Felsay in southern Lebanon reflect the need to step up efforts to clear the area south of the Litani River of weapons and armed personnel. We urge that this situation be monitored closely, alongside the investigations being carried out by the United Nations Interim Force in Lebanon.

Mr. Tiendrébogo (Burkina Faso) (*spoke in French*): I should, of course, like to thank Mr. Pascoe for his briefing and to welcome Foreign Minister Riyad Al-Malki as well as the Permanent Representative of Israel. We thank them for their significant contributions to our deliberations.

The situation in the Middle East, including the question of Palestine, remains at the centre of our attention. Peace and stability in this region lie at the heart of peace and security in the world. Unfortunately, 2009 began under the worst possible circumstances,

with the heightened violence of the months of December 2008 and January 2009, the painful scars of which Gaza still bears and will, unfortunately, continue to bear for a long time. In this context, Security Council resolution 1860 (2009) offers an acceptable basis for a way out of the crisis, requiring only that the parties engage one another in good faith. Unfortunately, we are forced to admit that this resolution, like previous ones, has yet to be implemented, and that the situation on the ground continues to be a source of great concern. Also of great concern is Israel's continuation of its policy of colonization, settlement and the demolition of homes. Our concern also includes the very strict Israeli blockade of Gaza, despite the regular appeals on the part of the international community. We urge Israel to hear these calls and pay heed to the suffering of women, children and all the innocent civilians of Gaza, who are deprived of basic necessities, and to ~~provide~~ access to the territory so as to ensure the reconstruction and economic development of the area.

Finally, another aspect of great concern is the attacks to which Israeli towns are regularly subjected. We urge Hamas and other extremist Palestinian groups to put an end to such attacks, or else they risk continuing to justify acts of reprisal. This situation is made even more complex by the ongoing disagreement among Palestinian brothers.

These are the principal elements that undermine the credibility of the actors and drain the energy from all efforts and initiatives for peace. There is no lack of efforts or initiatives aimed at breathing new life into the peace process, including those developed by the American Administration and by Egypt, which has worked tirelessly to bring about Palestinian reunification and reconciliation. Burkina Faso supports those efforts.

We should like once again to urge the parties to put dialogue and negotiation first, and to exclude the military option, which has no other effect than to distance the parties even further from the prospect of resolving their dispute. We continue to believe that the Quartet Road Map, the 2002 Arab Peace Initiative and the relevant resolutions of the Security Council provide the best possible framework for realizing our common objective — that of a Middle East at peace, with a Palestinian State living within secure and internationally recognized borders, side by side with Israel in peace and security.

The present meeting of the Council is being held in a particular context, with the publication of the report of the United Nations Fact Finding Mission established by the Human Rights Council (A/HRC/12/48). In this regard, my delegation reiterates its strong condemnation of the violations of human rights and of international humanitarian law perpetrated during the conflict last December and January in Gaza. Burkina Faso has always hoped that light could be shed on those violations so that the international community could determine the responsibilities of all the parties. It was as a response to that need that the Fact Finding Mission was established by the Human Rights Council. Burkina Faso followed the work of the twelfth session of the Council very closely and we await the conclusions of the deliberations within the special session with great interest.

We note the recommendations addressed to the Security Council by the Fact Finding Mission and, in this regard, we urge the parties to undertake all the necessary actions to establish the truth and to prosecute those responsible.

Burkina Faso longs to see further reinforcement of political stability in Lebanon. We call on the Lebanese political class as a whole to come to an agreement, as soon as possible, which would pave the way for a government of national unity and for genuine national reconciliation. At the same time, we reaffirm the need to respect the independence, sovereignty and territorial integrity of Lebanon.

My delegation welcomes the progress achieved in Syrian-Lebanese relations and cherishes the hope that the efforts aimed at fostering a rapprochement between Israel and Syria may be crowned with success.

We will never tire of repeating that the Israeli-Palestinian conflict is the Gordian knot of the situation in the Middle East. This is why we must continue to work tirelessly to bring about a comprehensive, just and durable solution to this conflict. It is up to the parties themselves to demonstrate a greater commitment and a more resolute political will to resolve their dispute. It is the duty of the Security Council, the League of Arab States and all the countries in the region and beyond, as well as the international community as a whole, to step up their efforts to better assist the parties in doing so.

Mr. Dolgov (Russian Federation) (*spoke in Russian*): We are grateful to the Under-Secretary-General Mr. Pascoe for his comprehensive briefing on the situation and peace process in the Middle East. We welcome the participation in the present meeting of the Minister for Foreign Affairs of Palestine, Mr. Riyad Al-Malki.

The question of a solution in the Middle East and the continuing tensions in that region continue to be a central item on the agenda of the international community. The Group of 8 Summit at L'Aquila and the recent ministerial-level meeting of the Quartet have shown that there is broad consensus in the international community, on the whole, on the approach to finding a Middle East settlement. The international legal basis for the peace process, the significance of the Arab Peace Initiative, the principle of two States and the need to freeze settlement activity, including natural growth, were all reaffirmed.

As comprehensive efforts to resume Palestinian-Israeli contacts are continuing at present, it would be somewhat premature to make any final assessment regarding the shape of a future regional settlement. There is, however, something that no one disputes: time is running out, and this is very dangerous. We must continue working intensively to establish the necessary conditions for the renewal of negotiations on all available tracks — first and foremost, on the Palestinian-Israeli track. It is only through such negotiations that mutually acceptable solutions can be found to all key issues needed to establish a sustainable and fair peace in the Middle East. Our common objective is to promote this in every possible way.

We continue to send clear signals to Palestine, Israel and other leading States of the region on the need to exercise restraint, to return to the negotiating table, and to avoid taking unilateral steps that would predetermine the outcome of the final status negotiations.

One important contribution to assistance efforts in that regard will be the Moscow conference on the Middle East, which we are making serious efforts to prepare for and convene. We consider that forum, which has been endorsed by the Security Council, the Quartet and the Group of Eight, to complement the efforts to breathe new life into Palestinian-Israeli contacts and to be a link in our important ongoing collective work to find a sustainable and

comprehensive settlement in the Middle East. Following the desired resumption of negotiations between the Palestinians and Israelis in the near future, we are ready immediately to announce a date for the Moscow conference.

During the course of the conference, the international community will be in a position to support the process and to assist the resumption of negotiations on the Syrian, Lebanese and multilateral tracks of the Middle East settlement process. In that regard, I reiterate that we must base our actions on existing international law, including all relevant Security Council resolutions, the Arab Peace Initiative and the Madrid principles. The outcome of our work should be a viable, independent Palestinian State living in peace and security side by side with Israel.

We are concerned by rising tensions surrounding the Temple Mount in Israel. We cannot allow religious issues to be exploited for political ends or to exacerbate the situation and people's suffering. All parties must exercise restraint and live by the letter and spirit of existing agreements on holy sites in Jerusalem. We believe that the most sound approach to resolving the situation in the city is to do so exclusively through dialogue on the final status negotiations for the Palestinian territories on the basis of the aforementioned international legal basis.

Another pressing issue is the restoration of unity within the Palestinian factions on the basis of the Palestine Liberation Organization platform. Concrete steps to resolve these issues have been and continue to be taken, *inter alia*, through the facilitation of the Egyptian side, which has earned our appreciation and support. Resolving the issue is an important element of progress towards a settlement of the Palestinian-Israeli issue.

In the context of the situation along the Blue Line in southern Lebanon, it is more critical than ever that all parties respect resolution 1701 (2006). We urge all Lebanese political forces to repudiate the logic of political confrontation, accusation and ambition and to move in a spirit of good faith to establish an effective Cabinet that represents the interests of all Lebanese.

I turn now to the report of the United Nations Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48), the discussion of which will continue on 15 and 16 October in the Human Rights Council in Geneva. We view that document from the perspective

of the need to resolve key elements of the regional peace process, including strict compliance by the Israeli and Palestinian sides with international norms in the fields of humanitarian law and human rights. We reject all manifestations of terrorism and disproportionate and indiscriminate responses to them that lead to civilian deaths. In that context, we condemn all violations of international humanitarian law perpetrated during the conflict in Gaza.

The authors of the report did a very impressive job gathering the testimony of witnesses and establishing facts. The facts and recommendations set out in the report require further careful and balanced consideration. We believe that the best approach would be undertake that task in the framework of international humanitarian law in the Human Rights Council. Clearly, the full implementation of resolution 1860 (2009) and the resolution of the remaining issues related to the very pressing humanitarian and economic situation in Gaza are of equal urgency, including the need to lift the blockade of the Gaza Strip.

Sir John Sawers (United Kingdom): May I begin by thanking Under-Secretary-General Pascoe for his briefing. I also warmly welcome Palestinian Foreign Minister Al-Malki here today and thank him for his statement. I am also grateful for the statement and kind remarks made by the Israeli Permanent Representative.

The three months since the Council's most recent debate on the situation in the Middle East have seen further intense efforts to launch negotiations to deliver the peace, security and justice that Palestinians and Israelis so desire. Our goal remains to engage not simply in another process, but in genuine negotiations that have a real prospect of reaching a lasting solution. President Obama of the United States made his commitment clear when he spoke to the General Assembly, and we continue to offer him, his team and all those genuinely seeking peace our full support.

The parameters of a solution are well known: two States, with an independent, democratic, contiguous and viable Palestinian State based on the 1967 borders living side by side in peace and security with the State of Israel, Jerusalem as the capital of both States, and a just settlement for refugees. Delivering that goal will not be easy. All sides will have to meet their obligations and commitments. We need to see an Israeli freeze on settlement-building; we need to see continued Palestinian efforts on security and

institution-building; and we would warmly welcome Arab moves to normalize relationships.

A genuinely viable Palestinian State will be key to securing a successful settlement. The Palestinian National Authority's two-year plan, launched in August, represents a determination to deliver such a Palestinian State and the institutions to underpin it, not in some distant future but soon. President Abbas and Prime Minister Fayyad will have our continued backing as they work to implement this vision.

The situation in Jerusalem increasingly has the potential to threaten the progress we all desire. There is absolutely no room for inflammatory gestures or actions, in Jerusalem above all, because extremists will take advantage of them. We have followed with great concern the disturbing incidents of violence around the Temple Mount/Al-Haram Al-Sharif. We are also deeply concerned at ongoing settlement activity in East Jerusalem, which can only make it more difficult to achieve our common goal. All sides must act to calm the situation and avoid provocation.

The situation in Gaza also continues to concern us. The lives of Gazans will only become harder as the winter sets in. Despite repeated representations from the international community, the Israeli Government has not eased border restrictions sufficiently to allow for the passage of all essential humanitarian aid or significant reconstruction materials. I repeat our call on the Israeli Government to relax those restrictions.

I also repeat our call on Hamas to release Gilad Shalit without further delay or conditions. We note the videotape evidence provided by Hamas on 2 October in exchange for 20 prisoners, but it is simply unacceptable that Gilad Shalit should remain in detention without Red Cross access three years after he was first seized.

We must also address the conclusions of the United Nations Fact-Finding Mission on the Gaza Conflict. They raise important issues that are of serious concern. We believe that the Goldstone report (A/HRC/12/48) itself does not adequately recognize Israel's right to protect its citizens or pay sufficient attention to Hamas's actions.

But the concerns raised in the report cannot be ignored. Rocket attacks by Palestinian militants targeted at innocent civilians in southern Israel constitute a breach of international humanitarian law. It

is deplorable that these acts continue. They must cease immediately. Israel has the right to defend its citizens from such attacks, but must do so in accordance with international law. The Goldstone report makes serious allegations about Israeli conduct during Operation Cast Lead. There are reports of incidents where individual soldiers are alleged to have acted unlawfully, for example, allegations of the shooting of civilians as well as overall Israeli tactics that included the targeting of police stations and infrastructure.

My Government regrets that Israel did not cooperate with the Mission, which, therefore, lacks an authoritative Israeli perspective on the events in question, which would be so crucial in order to determine the legality of the actions. We note that the Israeli Defence Forces have already conducted and are continuing to conduct a number of investigations. However, concerns remain. We urge the Israeli Government to carry out full, credible and impartial investigations into the allegations reported in the Goldstone Report.

The United Kingdom is committed to ensuring accountability for violations of international humanitarian law and international human rights law, wherever they occur. We look forward to further discussion of this issue in the Human Rights Council.

Turning briefly to Lebanon, we would like to say we welcome the undertaking by the United Nations Interim Force in Lebanon and the Lebanese Armed Forces to investigate the explosion that, reportedly, took place earlier in the week in Tayr Felsay. We underline our call for all parties to implement Security Council resolution 1701 (2006) in full.

In conclusion, I will say that there is little doubt that prospects for a lasting peace in the Middle East have been tested. Reactions to the Goldstone Report and the events in East Jerusalem, for example, have dampened the cautious optimism generated by the increased diplomatic efforts to relaunch the peace process, but we urge the parties in the region, and the international community as a whole, to maintain and increase momentum towards a solution.

All peace processes are tested by events. What separates the successful processes from the unsuccessful is the political will to push forward despite events or setbacks.

Mr. Skračić (Croatia): At the outset, I would like to thank Under-Secretary-General Pascoe for his extensive briefing on the situation in the Middle East, as well as to welcome to the Chamber Palestinian National Authority Foreign Minister, Mr. Al-Malki, and Israeli Permanent Representative, Ambassador Shalev.

Croatia shares the sense of urgency to secure an early resumption — and conclusion — of Israeli-Palestinian negotiations aimed at the two-State solution as a key part of a comprehensive, just and lasting peace in the Middle East. What happens now is critical, and failure to move forward risks deepening disillusionment and impasse.

We are pleased to see the imperative reflected in the statements made at the high-level meetings held in New York this September, including the Quartet statement and that of United States President Obama in his statement to the General Assembly. The continuing efforts of the United States Administration and those of Special Envoy Mitchell to promote negotiations have our full support. Croatia believes that, in order to advance the peace process, all sides need to meet their responsibilities and make a meaningful contribution towards creating conditions conducive to negotiations.

Israel and the Palestinians need to implement their obligations under the Road Map without preconditions. The Palestinians need to pursue their reform agenda, particularly in the area of security. The Arab States need to take early and tangible confidence-building steps in the spirit of the Arab Peace Initiative. The international community should be ready to assist the parties in creating an atmosphere conducive to peace and in ensuring that all efforts remain focused on our shared objective of achieving peace. It is time that the roadblocks to peace are removed.

In light of ongoing efforts, provocative actions that risk undermining attempts to create an atmosphere conducive to credible negotiations are a cause of concern. We are concerned with the recent clashes in Jerusalem. We appeal for restraint, and we appreciate United Nations efforts to diffuse tensions. We also call for the cessation of other provocative actions, including demolitions and evictions.

As recognized in repeated calls by the international community, Israel settlement activities present an obstacle to peace and should be immediately brought to an end. And this includes "natural growth"

settlements and outposts erected since 2001, which should be dismantled.

We condemn the marked increase in attacks directed at Israel from the Gaza Strip over the past month. At this critical stage, another outbreak of violence must not be allowed. Croatia finds encouragement in Palestinian State-building efforts, as well as in recent trends in the West Bank area, where improvements in security are opening space for economic revival as part of the groundwork for a sustainable Palestinian State.

We welcome the recent removal by Israel of a number of roadblocks and would welcome further steps in that direction. We understand that, should the restrictions on movement and access continue to be eased, for the first time since 2005, there is a realistic chance that the downward trend in Palestinian living standards in the West Bank can be reversed in the near future.

It remains crucial that the Palestinian Authority continue with its agenda of self-empowerment, including building and consolidating an effective and reformed security sector, functioning institutions and the rule of law as building blocks of a viable and independent Palestinian State. At the same time, Israel must be assured that this objective does not go undermine its legitimate security interests, including that of addressing the threat of renewed rocket attacks from the Gaza Strip.

The situation in Gaza is our continuing preoccupation. We believe that finding a durable solution for Gaza should be part and parcel of the peace effort. In order to put an end to the protracted humanitarian and human dignity crisis in Gaza, full implementation of resolution 1860 (2009) remains a priority. Croatia believes that the controlled and sustained opening of crossings, matched with the appropriate monitoring arrangements, is key for the humanitarian recovery and reconstruction of Gaza and for eradicating the tunnel economy.

We continue to call for the release of Gilad Shalit, whose recent video message was an encouraging sign, and we reiterate our support for the efforts of Egypt to assist in restoring Palestinian unity.

Croatia has taken note of the Report of the United Nations Fact Finding Mission on the Gaza Conflict, which has been submitted to the Human Rights

Council. Croatia takes seriously the issues that are at the heart of the report and we respect the scope of the confidence in the Human Rights Council within the United Nations system.

At this stage, let me state that Croatia believes that it is the obligation of all States to ensure respect for international humanitarian law. When and where there are violations of international humanitarian and human rights law, individual accountability needs to be established. This is what constitutes the basis for a lasting peace. This is a duty that falls principally on the national authorities of States themselves, which need to carry out a credible domestic process and investigate situations where there are indications that such violations have been committed.

Concerning Lebanon, let me express our serious concerns with the several recent incidents in southern Lebanon, which are in violation of resolution 1701 (2006). Last week, there was yet another weapons cache explosion involving munitions that apparently belonged to Hizbullah. A few weeks earlier, rockets were fired against Israel. We condemn these acts, which, together with the grave incidents in July, only underscore the need to insist on the full implementation of resolution 1701 (2006) and the disarmament of all paramilitary groups in Lebanon. We also share concerns about the delay in forming a new Lebanese Government and hope that an agreement can be reached soon.

Before concluding, allow me to say a few words of appreciation to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), which marked its sixtieth anniversary in September this year. I would like to pay tribute to UNRWA's dedication and commitment to providing assistance to Palestinian refugees over the past decades, often under challenging and dangerous circumstances. Croatia will continue to support its vitally important work.

Equally, we believe that the interests of both parties, the region and the international community as a whole are best served by pursuing a shared, clear and fundamental objective, namely, the establishment of an independent, democratic and viable Palestinian State living side by side in peace and security with Israel in the context of a just, lasting and comprehensive peace in the region on the basis of Security Council resolutions and the Madrid Principles.

Mr. Wolff (United States of America): Let me join other speakers in welcoming Minister Al-Malki and Ambassador Shalev to the Council today, and also thank Under-Secretary-General Pascoe for his comprehensive update.

As we have noted in prior monthly Middle East consultations, advancing the cause of peace in the Middle East is among the most important objectives that President Obama has identified for our renewed international engagement. As President Obama affirmed to the General Assembly on 23 September:

"The time has come to relaunch negotiations — without preconditions — that address the permanent-status issues: security for Israelis and Palestinians, borders, refugees and Jerusalem. The goal is clear: two States living side by side in peace and security: a Jewish State of Israel, with true security for all Israelis, and a viable, independent Palestinian State with contiguous territory that ends the occupation that began in 1967 and realizes the potential of the Palestinian people." (A/64/PV.3)

Special Envoy George Mitchell has just returned from another trip to the region, working to create the context for a prompt resumption and early successful conclusion of negotiations between the parties. I wish to place in clear contrast two dramatically different visions for the road ahead: the road of statehood and the road of conflict.

The Palestinian Authority and President Abbas are constructing the basis for a viable and responsible Palestinian State. They have been making steady and significant progress towards that goal. We have welcomed Prime Minister Salam Fayyad's development of a detailed two-year plan to develop institutional capacity. We supported the deployment of over 2,000 Palestinian security personnel to the West Bank, after they completed their training in Jordan, with another 500 on the way.

We have also welcomed the recent increases in economic activity and in the quality of life in the West Bank. Israel has taken constructive steps to facilitate that progress. It has removed key checkpoints and eased conditions at others and has withdrawn troops to the outskirts of four cities. Those initial steps show that Israelis and Palestinians can make practical progress by working together towards the same goals.

Much more, however, needs to be done. Israel should stop settlement activity and dismantle outposts. The United States does not accept the legitimacy of continued Israeli settlements. Israel should further ease access and movement and facilitate economic growth in the West Bank. Palestinians, for their part, should continue efforts on security, reform of governance institutions and ending incitement. And all parties, including Arab States, need to move forward to relaunch negotiations as soon as possible.

Then, there is the road of conflict. Hamas's behaviour continues to fall short of the principles long outlined by the Quartet: renunciation of violence, recognition of Israel and acceptance of previous agreements between the parties. In the month of September alone, 13 rockets and mortars were fired indiscriminately at civilian communities in Israel from Hamas-controlled Gaza, and there were dozens of other attacks along the boundary. Terrorist attacks of that nature are not a form of resistance. They represent a threat to international peace and security, and they were the cause of the conflict between Israel and Hamas last winter. That path will never lead to the fulfilment of Palestinian aspirations for an independent State.

A further danger to international peace and security that we note with very great concern is the continuing presence of armed groups, including Hizbullah, in Lebanon. Armed elements and their assets and weapons in south Lebanon pose a similar threat to those who work diligently for peace and security in that country. The explosion in Tayr Filsay, taken alongside the earlier explosion in Khirbat Salim, signals yet another weapons-related violation of Security Council resolution 1701 (2006). It should be a source of deep concern to all of us. We look forward to the report of the Department of Peacekeeping Operations for detailed information on this latest serious incident.

We continue to strongly support the full implementation of Security Council resolutions 1701 (2006) and 1559 (2004), including their calls for all arms in Lebanon to be brought under State control and the delineation of Lebanon's borders. The people of Lebanon deserve to reap the benefits of a Government whose services and authority extend throughout the land.

Lest we sow the seeds of another conflict, all United Nations Members must also fulfil their

responsibility to prevent the smuggling of arms into Gaza. We also continue to call for the immediate release of Gilad Shalit. At the same time, just as we defend Israel's right to self-defence, we cannot accept the continuing humanitarian crisis in Gaza. The people of Gaza must have hope for a better future and know that the international community hears their concerns. We call for a reopening of the crossings, with an appropriate monitoring regime to allow for the entry of legitimate goods into Gaza.

On the matter of the report of the United Nations Fact-Finding Mission on the Gaza Conflict that was requested by the Human Rights Council in Geneva (A/HRC/12/48), the allegations of human rights and humanitarian law violations contained therein are not a matter for Security Council action. We continue to have serious concerns about the report: its unbalanced focus on Israel, the overly broad scope of its recommendations and its sweeping conclusions of law. Nevertheless, we take the allegations in the report seriously. Israel has the institutions and the ability to carry out serious investigations of those allegations and we encourage it to do so. Hamas is a terrorist organization and has neither the ability nor the willingness to examine its violations of human rights.

Finally, we urge all Arab States to take steps in the spirit in the Arab Peace Initiative towards building relations with Israel, including ceasing harsh rhetoric in the international organizations and other forums. Arab Governments can also promote progress by supporting the Palestinian Authority under President Abbas, both politically and financially, thus helping to improve conditions for all Palestinians throughout the West Bank and Gaza. With patience and determination, we can assist all people in the region to construct a new and better future and to realize the peace and stability that they deserve.

Mr. Rugunda (Uganda): I thank you, Mr. President, for organizing this open debate. I also thank Mr. Lynn Pascoe, Under-Secretary-General for Political Affairs, for his comprehensive briefing. My delegation welcomes the participation of the Minister for Foreign Affairs of Palestine and the Permanent Representative of Israel.

We recall that in January, the Council unanimously adopted resolution 1860 (2009), which provided an opportunity for all parties in the Middle East to engage and find a lasting solution to the Middle

East question. I wish to reiterate Uganda's full support for that resolution and call for its full implementation.

Uganda welcomes the statement issued by the Quartet following their meeting of 24 September 2009 in New York on the sidelines of the General Assembly. We also welcome the first tripartite meeting of President Barack Obama, Prime Minister Benjamin Netanyahu and President Mahmoud Abbas, on the sidelines of the General Assembly. We hope that these meetings will give renewed impetus to restarting the negotiations process aimed at achieving a just and lasting solution with the two States, Israel and Palestine, living side by side in peace and security. To that end, we look forward to seeing practical steps on the ground towards the resumption of negotiations. We are encouraged by the commitment of the Palestinian Authority to rebuild State institutions. We commend Egypt and others for the role they have continued to play aimed at promoting intra-Palestinian dialogue. We call on all Palestinians to resolve their differences within the framework of an intra-Palestinian dialogue so as to achieve unity.

My delegation welcomes the removal of checkpoints and roadblocks in the West Bank and commends the Israel-Palestinian ministerial contacts on the economic situation in the West Bank. On Gaza, we also welcome the opening of commercial points by Israel, but regret that the blockade remains in place. We therefore call for the complete lifting of the blockade and for a freeze on all settlement activity, including natural growth. We also call for an end to arms smuggling into Gaza.

We are concerned about the recent clashes over the Holy Sites in East Jerusalem. We call on all sides to exercise maximum restraint and stop any incident, incitement or provocation. We also call for the release of all political prisoners.

Uganda welcomes the release of the Goldstone report on 15 September 2009. We note with grave concern the findings in the report of serious violations of human rights and international humanitarian law that were committed during the Gaza conflicts. We also note the recommendations in the report addressed to a number of United Nations organs, Israel, the Palestinian armed groups, the Palestinian authorities and the international community on various issues. We further note that the report was formally presented to the Human Rights Council on 29 September and that a

decision was taken to defer its consideration. We are, however, concerned that the decision to defer consideration of the report has heightened tension in the Palestinian Territory, which, if not checked, could escalate and negatively affect the peace process. Uganda therefore welcomes the decision of the Human Rights Council to reschedule early consideration of the report.

Uganda calls on all parties in the Middle East to take concrete steps to restart peace negotiations and to respect previous agreements and undertakings. Uganda will continue to support the efforts by all parties to achieve comprehensive peace in the Middle East as envisaged in resolution 1850 (2008).

On Lebanon, my delegation is concerned about incidents that continue to occur and are likely to heighten tension in the region. We call upon all parties to fully implement resolution 1701 (2006).

Mr. Apakan (Turkey): First of all, I wish to join others in thanking Mr. Pascoe, Under-Secretary-General for Political Affairs, for his briefing. Turkey also aligns itself with the statement to be delivered by Sweden on behalf of the European Union.

We are once again going through a crucial stage in the Middle East. We fully support the efforts to reactivate the Middle East peace process on all tracks and will contribute to them in any way we can. A serious and active engagement between the parties has become a matter of urgency in the absence of any functional political process in the region for a long time.

At this stage, upholding the framework of peace as embodied in the relevant Security Council resolutions, Madrid Principles, Arab Peace Initiative and the Road Map obligations is important for serious negotiations. However, we see two main challenges to the current efforts. The first one relates to the core issues. It is a well-established norm in the Middle East peace process that the core issues, including refugees and Jerusalem, are subject to final status negotiations and should not be undermined by unilateral acts. It is therefore very important that Israel cease its settlement activities in the West Bank and East Jerusalem, as well as measures and actions that could change the character and status of Jerusalem.

The recent incidents in and around Haram Al-Sharif have shown us, yet again, the sensitivity and importance of Jerusalem. Here, let me express our

concern regarding the tension in the city and the region beyond, which carries the potential of poisoning the atmosphere and harming the peace efforts. The protection of the sacred nature of Haram Al-Sharif and the cultural and religious fabric of Jerusalem is a matter of utmost priority and importance for Turkey.

It is with this understanding that we invite all parties, starting with Israel, to act responsibly and to refrain from any provocative action at a time when efforts are concentrated on reactivating the peace process. Respect for holy places is one of the key elements of stability in the Middle East.

Secondly, the situation in Gaza continues to be a matter of grave concern for Turkey. We have repeatedly stressed the fact that the current situation in Gaza is unacceptable. The hostilities at the beginning of this year traumatized Gaza with a heavy death toll of more than 1,000 — most of whom were women and children. Since then, the Palestinians in Gaza have been facing formidable suffering and hardship.

Time does not itself heal all sorrows. Despite the large number of pledges made at Sharm el-Sheikh last March, only a small quantity of aid and material was able to trickle into Gaza owing to the restrictions imposed at the crossings.

In spite of our repeated appeals, resolution 1860 (2009) has not been implemented. Today, the people in Gaza continue to suffer without proper reconstruction, socio-economic activity or humanitarian assistance. As part of this picture, we view the report of the Fact-Finding Mission led by Justice Goldstone as a document that sheds light on the Gaza conflict. The report is a comprehensive document containing pertinent points and observations and addressing all alleged violations.

We think that the report and its recommendations should be taken seriously and should be allowed to follow their course. In this respect, we take the following two principles as our departure point: first, we should uphold accountability. We need to ascertain the facts and take action accordingly. Secondly, we need to act with coherence. Ensuring consistency has always been one of the key requirements, when the international community tackles such issues.

We also agree with the understanding that, if the parties conduct credible investigations on the violations as suggested in the report, that would serve

as a necessary and important confidence-building measure that would contribute to efforts in the political field. It is our sincere hope that the findings and conclusions of the report will create an opportunity to put an end to the deprivation and dramatic conditions that the people of Gaza are currently going through.

Let me also emphasize the importance of Palestinian unity. We hope that Palestinian groups can reach a common understanding as soon as possible. This is crucial for social harmony in Palestine as well as for the Middle East peace process. We greatly appreciate President Abbas' efforts to this end.

On the subject of Lebanon, in the wake of recent high-level visits to the region, we believe that a Government under the leadership of Mr. Hariri, embracing all segments of the Lebanese people, can be established sooner rather than later. We continue to facilitate and contribute to the issues in our neighbourhood.

Every Israeli and Palestinian is entitled to freedom from fear. However, for a future free from fear and full of peace and prosperity, we need to establish confidence and never deviate from a focus on achieving a just, fair and lasting settlement. For our part, we continue to work for a viable and comprehensive peace on all aspects of the Middle East peace process.

Mr. Araud (France) (*spoke in French*): I should like to thank Under-Secretary-General for Political Affairs, Mr. Pascoe, the Palestinian Minister for Foreign Affairs, Mr. Malki, and the Permanent Representative of Israel, Ms. Shalev, for their statements. France aligns itself with the statement to be made by the Permanent Representative of Sweden on behalf of the European Union.

To begin, I should like briefly to address the matter of Lebanon, which is also on the Council's agenda. We support the Prime Minister-designate, Mr. Saad Hariri, and we hope that a Government will be formed quickly. The spirit of dialogue must continue to prevail among Lebanese parties. The countries of the region should, for their parts, also join forces to foment a climate conducive to the formation of that Government.

Moreover, it is essential that all parties respect resolution 1701 (2006). We will closely follow the review of the United Nations Interim Force in Lebanon

(UNIFIL) that the Secretariat will conduct over the coming months in accordance with resolution 1884 (2009). We express our concern about the recent spate of incidents, which are simply violations of resolution 1701 (2006). On the subject of Monday's explosion in southern Lebanon, we await the results of the joint fact-finding mission of the Armed Forces of Lebanon and UNIFIL, which should help to clarify the circumstances of the incident. In any case, we underline our support for the complete implementation of resolution 1701 (2006), which calls on the Lebanese State to exercise its sovereignty over the entire Lebanese territory, so that no weapons can be situated in the country without its consent.

I turn now to the Israeli-Palestinian matter. I am not the first in the Council to say that rarely — in all likelihood never — has there been such an international consensus about the conditions for peace: the creation of a viable, independent and democratic Palestinian State, living peaceably side by side with Israel within secure and recognized borders, as set out in this Council's resolution 1515 (2003). Nevertheless, we still have to determine the way to take the steps leading to that goal and to do so fast. I will suggest three important steps.

First, progress on the ground is necessary to prevent people from losing all hope. In that regard Israel should stop settlement activities in the West Bank and also in East Jerusalem. They are illegal and a major obstacle to peace. As our President Sarkozy has said, the settlements obstruct the prospects for a Palestinian State, they do not contribute to security for Israel but rather increase its vulnerability.

A second important consideration is Jerusalem. After the clashes in recent days in the Holy City, we call upon the parties to show restraint, so as to avoid the immediate risk of an escalation, whose consequences cannot be predicted. We call upon the Israeli authorities to cease the demolition of houses and other expulsions in East Jerusalem. It is a fact that settlement in that city has taken on a particularly provocative aspect. There can be no peace without Jerusalem, which will be, as President Sarkozy said in his address to the Knesset on 23 June 2008, the capital of both States.

Complementary progress must also be made in the realm of movement and access. This is the case for, Gaza — and I will come back to this — but it is also

the case for the West Bank and East Jerusalem. The lifting by the occupying authorities of obstacles to movement around a number of large Palestinian cities constitutes a positive development that should be pursued.

All measures that allow for movement towards a normal life for the Palestinian population should be encouraged. Beyond their consequences in humanitarian matters these measures would also allow the Palestinians to face their responsibilities to build the institutions of their future State. Along these lines the Palestinian Authority should continue its efforts to strengthen its security sector and also to institute the rule of law. The continued fight, without quarter, against terrorism should remain a priority.

As regards the situation in Gaza — and this is my second point — the consolidation of the ceasefire that hinges on a full implementation of resolution 1860 (2009) remains a priority. This resolution has set the parameters for a lasting ceasefire, including the reopening of crossings and the implementation of mechanisms that will make it possible to put an end to weapons trafficking. These two conditions have not been met.

The humanitarian situation in Gaza is concerning. We call for an immediate opening of the crossings, especially to allow for access by civilians to humanitarian assistance and also for a resumption of economic activity. Beyond the humanitarian concerns the current closing of these crossings leads to the continuation of the status quo of the political situation in Gaza. Parallel to these efforts, we continue to call for immediate and unconditional release of Gilad Shalit. I should like to thank the delegations that mentioned the case of this prisoner.

As regards the Goldstone Report, its allegations are grave. Throughout the Gaza conflict brought on by the firing by Hamas on Israel, France has reiterated its unswerving position: international humanitarian law should be respected in all places, under all circumstances and by all parties to a conflict, particularly in Gaza and in southern Israel. We believe the parties should engage in a process of independent inquiry, in conformity with international standards, into allegations of violations of international humanitarian law and human rights during the Gaza crisis.

My third and last point has to do with inter-Palestinian reconciliation and the role of the neighbour

States. Palestinians should speak with a single voice in order to put the peace process back on track. There cannot indeed be a peace accord with just one part of the Palestinian people, nor would there be a viable Palestinian State without Gaza. There cannot be peace without recognition of Israel's right to exist, without a renunciation of violence and without respect for signed peace accords. While negotiations towards inter-Palestinian reconciliation face many challenges, we continue to support the Egyptian mediation efforts, and we should also like to pay particular homage to those efforts.

The countries of the region, of course, have an important role to play. We will continue to provide all of our support to the Arab Peace Initiative. This should be an essential foundation of a global and lasting solution to the situation in the Middle East.

All measures and gestures by States of the region to demonstrate their commitment to a lasting peace — including, in particular, good-neighbourly relations with Israel — are to be encouraged. In the context of that regional approach, we also believe that the time has come to make progress on the Syrian and Lebanese tracks of the peace process. Such developments will amount to nothing, however, if the two parties do not resume their negotiations with a view to reaching a definitive peace settlement whose broad outlines are already known to us.

This is a matter of urgency, as President Sarkozy has recalled by stressing the urgency of settling a conflict that is not only regional, but also concerns the entire world. Tensions have increased in recent days in the Middle East, and we all feel that a spark could ignite a fire at any moment.

This is a matter of urgency, and the international community and the Council also have a major role to play, because the situation in the Middle East is pressing and concerns us all. We therefore support the efforts of the United States Administration. For their part, France and the European Union have expressed their willingness to support and facilitate the negotiations as much as necessary and to consider the guarantees required in a possible agreement.

It is now time to make concrete progress on the path of a just and comprehensive peace that is based on the Arab Peace Initiative, the Madrid principles and the Road Map and is in accordance with the relevant

Security Council resolutions. France is prepared to play its full role in such an effort.

To that end, President Sarkozy and President Mubarak have proposed the idea of a peace summit in the framework of the Union for the Mediterranean, which would accompany a resumption of peace negotiations between the two parties and would, of course, be organized in consultation with all parties involved.

Mr. Zhang Yesui (China) (*spoke in Chinese*): I thank you, Mr. President, for convening today's open debate. I would also like to thank Under-Secretary-General Lynn Pascoe for his briefing. We welcome the presence of the Minister for Foreign Affairs of the Palestinian National Authority and thank him for his statement. We also listened attentively to the statement made by the representative of Israel.

The Middle East question, including the question of Palestine and Israel, is a difficult issue that has been a focus of the Security Council since the founding of the United Nations. Despite the unremitting efforts of all parties concerned to achieve a settlement of the Middle East issue, the Middle East peace process has remained stagnant and the regional security situation unimproved. At present, what is most disconcerting to the States of the region — and, for that matter, to the entire international community — is the grave humanitarian situation in the occupied Palestinian territory, including Gaza.

Following the issuance of the report of the Fact-Finding Mission established by the Human Rights Council (A/HRC/12/48), the miserable plight of those living in Gaza is once again the object of much attention on the part of the international community. Nine months have elapsed since the adoption of Security Council resolution 1860 (2009), yet it has yet to be fully and effectively implemented, and there has been no progress in the reconstruction of Gaza. The people of Gaza still find themselves in a difficult situation that continues to deteriorate.

The difficult situation of the Palestinians on the West Bank of the Jordan River is also a cause for concern. The Chinese Government expresses its deep concern and sympathy over the plight of the Palestinian people and its ongoing exacerbation. We hope that the Security Council will address this matter with great concern and take active steps to promote a settlement.

The current humanitarian situation in the occupied Arab territories, in particular the Gaza Strip, is unsustainable. The international community and the Security Council should follow it very closely and take practical measures to help reverse it. At this point, the international community should intensify its efforts in the following four priority areas.

First, all parties concerned should be urged to comply seriously and fully with resolution 1860 (2009) by establishing and maintaining a lasting ceasefire and avoiding any action that could cause tension or pose a threat to regional peace and security.

Secondly, Israel should respond in earnest to the appeals of the international community by opening all crossing points into Gaza and ensuring the unimpeded delivery of humanitarian assistance and reconstruction materials there, while the international community should expeditiously honour its commitment to assisting in Gaza's reconstruction. At the same time, Israel should freeze its activities related to settlements and the separation wall.

Thirdly, all parties should renounce the use of force and cease all acts of violence against civilians. We oppose all use of force against civilians. The excessive use of force is unacceptable. We support the Security Council in explicitly reiterating that all violations of international humanitarian law are intolerable and subject to prosecution. We appeal to all parties to abide by international humanitarian law and to maintain the necessary cooperation with the relevant United Nations agencies.

Fourthly, Palestine and Israel must honour their obligations under the Road Map and support the negotiated-settlement approach. The Quartet should play a more active role in pressing for an early resumption of peace talks between Palestine and Israel.

Achieving intra-Palestinian reconciliation is of the utmost importance in order to protecting the national interests of Palestine and to resuming the Middle East peace process. The international community should continue to support Egypt's efforts to that end.

The Middle East peace process is now at a crucial juncture. Fulfilling the vision of two States, Palestine and Israel, living side by side in peace is the only way to settle the Middle East question. We support the achievement of the two-State option on the basis of the

relevant Security Council resolutions, the Arab Peace Initiative and the principle of land for peace, in order to ensure that the Palestinian people will be able to establish an independent and viable State.

Mr. Mayr-Harting (Austria): Austria would like to thank Under-Secretary-General Lynn Pascoe for his update on recent developments in the Middle East. We also thank the Palestinian Foreign Minister, His Excellency Mr. Riad Al-Malki, and the Permanent Representative of Israel for their statements and their presence here today.

Austria fully aligns itself with the statement to be delivered by the representative of Sweden on behalf of the European Union.

Peace negotiations between Israel and the Palestinians must be urgently resumed. That was one of strongest messages that came out of the general debate of the General Assembly this year. We appeal to Israel and the Palestinians to remove the remaining obstacles to negotiations by acting on their previous agreements and obligations. As Austrian Foreign Minister Michael Spindelegger stated during the general debate and reiterated today at his meeting with Israeli Foreign Minister Liberman in Vienna, Israel's right to exist in security and peace and the realization of the rights of the Palestinian people are not in contradiction; on the contrary, both are crucial elements of a comprehensive and just solution.

The creation of an independent, democratic, contiguous and viable Palestinian State comprising the West Bank and Gaza — a State of Palestine that lives in peace and security with the State of Israel — is indispensable for stability and peace in the wider region. After decades of violence and hostility, partners in the region need to shoulder their respective responsibilities in the interest of a credible and sustainable solution.

We need to see an immediate end to all construction of settlements, including in East Jerusalem; the dismantlement of the outposts erected since 2001; and an end to all other activities that may prejudice the outcome of negotiations. In view of recent incidents around the holy sites in Jerusalem, incidents to which others have already referred in the course of this debate, we urge all sides to seek to defuse tensions by exercising the utmost restraint both in deeds and in words.

Implementing the vision of a Palestinian State requires unity of purpose among the political leadership of the Palestinian people, and common renunciation of violence. Palestinian reconciliation is vital. We urge Palestinian leaders to work together to overcome the separation between the West Bank and Gaza in order to preserve the chance of viability for a future homeland for the Palestinian people. The viability of a future Palestinian State also depends on continuous, vigorous efforts by the Palestinian Authority to strengthen its institutions and enforce the rule of law, both in the interests of the citizens of a future Palestinian State and in order to address the legitimate security concerns of its neighbour Israel.

We welcome the national plan presented by Prime Minister Fayyad for the build-up of Palestinian institutions and infrastructure over the next two years. Austria will continue to help establish the economic foundation and institutional infrastructure of a future Palestinian State, both bilaterally and in the framework of the overall efforts of the European Union. Normal economic activity in both the West Bank and Gaza is essential for funding these self-empowerment efforts. This is another reason why we call on Israel to stop the construction of the separation barrier on occupied territory and to reinforce the removal of obstacles to movement and access in the West Bank. It is also imperative that access to Gaza be opened urgently.

Let me add that violent incidents such as the indiscriminate firing of rockets and mortars at Israel must come to an immediate and sustained end, as called for in resolution 1860 (2009). We respect the legitimate Israel security concerns on this point. At the same time, we also believe that continuing to prevent access to Gaza may also turn out to be counterproductive from a security point of view, since people in Gaza are required to live a life that does not satisfy basic conditions of human dignity. A life of continued desperation, hopelessness and deprivation provides a breeding ground for further extremism.

As the Human Rights Council prepares to reconvene tomorrow to discuss the situation in the occupied Palestinian territory and East Jerusalem, I would like to make the following observations regarding the United Nations Fact-Finding Mission on the Gaza Conflict, from an Austrian point of view. Rebuilding trust and respect for the rule of law, in all contexts of conflict, requires thorough and credible investigation of all allegations of grave violations of

international humanitarian law and human rights law. Measures to ensure accountability are an essential part of a comprehensive approach to preventing future violations, avoiding their recurrence and seeking sustainable peace, justice, truth and reconciliation.

The Fact-Finding Mission's report (A/HRC/12/48) contains allegations of grave violations by all sides of international humanitarian law, including deliberate attacks on civilians. Austria remains committed to a serious assessment by the Human Rights Council of the report and its recommendations, which are addressed to Israel and to Palestinian actors. The Goldstone report should be used as the starting point for appropriate and credible investigations by all parties in accordance with international standards. The Human Rights Council will have to decide on the appropriate follow-up, and we believe it should take this very important and sensitive decision on the basis of the broadest possible consensus.

Regarding Lebanon, we hope that the process of the formation of a new Government will soon come to a successful conclusion. Austria is concerned about reports regarding the incident in Tayr Filsi on 12 October. While awaiting the results of the investigation launched by the United Nations Interim Force in Lebanon (UNIFIL) and the Lebanese Armed Forces, we wish to reiterate the importance of full compliance with resolution 1701 (2006) by all parties. In this context, we strongly encourage the reinforcement of efforts to ensure that the area south of the Litani River is kept free of unauthorized armed personnel, assets and weapons.

In concluding, we wish to reiterate our sincere hope for the early success of international efforts to relaunch peace negotiations between Israel and the Palestinians, and for progress towards a comprehensive peace between Israel and all its neighbours. Austria, both nationally and within the framework of the European Union, is ready to support this process actively.

The President: I shall now make a statement in my national capacity.

I join other Council members in thanking Under-Secretary-General Lynn Pascoe for his detailed briefing. We also welcome the participation in today's Council meeting of His Excellency Mr. Riad Al-Malki, Minister for Foreign Affairs of Palestine, and of the Permanent Representative of Israel. My delegation associates itself with the statement to be delivered by

the Permanent Representative of Egypt on behalf of the Non-Aligned Movement.

Over the past month, further efforts have been made by the international community towards the resumption of negotiations aimed at achieving a two-State solution to the Israel-Palestine conflict. Such collective undertakings have been reflected in a series of events at various levels and within various frameworks during the period under review, including those held on the margins of the sixty-fourth session of the General Assembly, such as the meetings of the Ad Hoc Liaison Committee for the Coordination of International Assistance to Palestinians, of the Quartet principals and of the League of Arab States Follow-up Committee on the Arab Peace Initiative, as well as among the leaders of the United States, Palestine and Israel. We can also note that, under difficult circumstances, the Palestinian National Authority has continued efforts to strengthen socio-economic stability, security sector reform and functional institutions for a future State.

The peace process, however, remains clouded with persistent challenges. Though substantive progress has been recorded in implementing Council resolutions 1850 (2008) and 1860 (2009), Israeli military incursions, the construction of the separation wall, the expansion of settlements and the blockade of Gaza have never ceased, inflicting vast deprivations on the Palestinian civilian population. Sporadic rocket attacks have placed civilians in southern Israel under continuous threat.

It is essential in this context that all parties concerned should try to shoulder their mutual obligations under the Road Map, the Madrid terms of reference, the Arab Peace Initiative and relevant Council resolutions. Constructive dialogue and political negotiations remain the only viable solutions. We urge Israel to immediately halt illegal settlement activity, dismantle outposts erected since March 2001, open all border crossings, release all Palestinian prisoners and ensure unhindered access for humanitarian assistance. We also urge Palestinian factions to set store by their long-term national interests, resolve their differences through reconciliation and jointly work towards the establishment of a government of national unity.

We note with deep concern the findings contained in the report (A/HRC/12/48) prepared by the United

Nations Fact-Finding Mission on the Gaza Conflict, which was established by the Human Rights Council, to the effect that Israel seriously violated international human rights and humanitarian law during the conflict and failed to extend the required cooperation to the Mission, and that the rocket and mortar attacks caused loss of life and property damage to southern Israeli communities.

My delegation believes it is legitimate that the report should receive due attention and consideration by the pertinent United Nations agencies and the parties involved. Given the extremely explosive nature of the regional situation, and in the interests of peace and justice, we underline that the greatest imperative for all parties concerned is to stop all acts of violence and strictly comply with international humanitarian and human rights law, as well as to observe the paramount priority of ensuring safety and security for all civilians and for diplomatic and United Nations premises and personnel.

We share the concern about the delay in the formation of a new Government in Lebanon after the parliamentary elections last June. We hope that negotiations will soon be concluded in a spirit of consideration and dialogue in order for a new Government to be formed, representing the interests of all communities in Lebanon.

At the same time, we welcome the efforts being made by the Lebanese authorities, in cooperation with the United Nations Interim Force in Lebanon (UNIFIL), to defuse the tension brought about by the recent multiple security incidents in southern Lebanon. We urge Israel to cease flights over Lebanese territory and withdraw from the northern part of the village of Ghajar and adjacent areas north of the Blue Line. We reiterate our support for UNIFIL and the full implementation of resolution 1701 (2006).

Finally, Viet Nam stands ready to join the international community's unrelenting efforts towards a peaceful settlement of the Israel-Palestine and Arab-Israel conflicts and the ultimate attainment of a just, comprehensive and lasting peace in the Middle East. In that spirit, we continue to support Russia's initiative to convene an international conference on the Middle East in Moscow before the end of this year.

I now resume my functions as President of the Council.

There are a number of speakers remaining on my list for this meeting. In view of the lateness of the hour, I intend, with the concurrence of the members of the Council, to suspend the meeting until 3.10 p.m.

The meeting was suspended at 1.10 p.m.



Security Council

Sixty-fourth year

Provisional

6201st meeting

Wednesday, 14 October 2009, 3.10 p.m.
New York

<i>President:</i>	Mr. Le Luong Minh	(Viet Nam)
<i>Members:</i>	Austria	Mr. Lutterotti
	Burkina Faso	Mr. Koudougou
	China	Mr. Huang Hongjiang
	Costa Rica	Ms. Zamora
	Croatia	Mr. Skračić
	France	Mr. Bonne
	Japan	Mr. Ryuno
	Libyan Arab Jamahiriya	Mr. Gebreel
	Mexico	Mr. Puente
	Russian Federation	Mr. Safronkov
	Turkey	Mr. Dizdar
	Uganda	Mr. Kamahungye
	United Kingdom of Great Britain and Northern Ireland	Mr. Williams
	United States of America	Ms. Germain

Agenda

The situation in the Middle East, including the Palestinian question

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The meeting resumed at 3.15 p.m.

The President: I should like to inform the Council that I have received letters from the representatives of Maldives, Norway and Sri Lanka, in which they request to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, the representatives of the aforementioned countries took the seats reserved for them at the side of the Council Chamber.

The President: I wish to remind all speakers, as I indicated this morning, to limit their statements to no more than five minutes in order to enable the Council to carry out its work expeditiously. Delegations with lengthy statements are kindly requested to circulate their texts in writing and to deliver a condensed version when speaking in the Chamber. I thank participants for their understanding and cooperation.

I now give the floor to the representative of Egypt.

Mr. Abdelaziz (Egypt): I have the pleasure to address the Security Council in this important meeting on behalf of the Non-Aligned Movement. I want to start by emphasizing the importance of the monthly briefing by the Secretariat, which remains one of the most important tools to assess the situation in the Middle East and to enhance our collective efforts aimed at advancing the peaceful settlement of the Arab-Israeli conflict.

We express our appreciation to Under-Secretary-General Pascoe for his briefing this morning and welcome the presence of Palestinian Foreign Minister Riad Al-Malki at this meeting.

The Non-Aligned Movement believes that the briefing should focus not just on describing the situation on the ground, but also on assessing the reality with regard to the fulfilment by each side — particularly Israel, the occupying Power — of its

responsibilities and compliance with international law and Security Council resolutions.

The Non-Aligned Movement believes that more efforts and action are required from the Security Council at this critical stage for the Middle East region. The deteriorated situation in the region as a result of the ongoing unlawful Israeli occupation of Palestinian, Syrian and Lebanese territories since 1967 continues to be a matter of serious concern not only for the region, but also for the entire international community.

The Non-Aligned Movement regrets once again the lack of progress made, despite increased efforts to achieve a just and lasting solution to the question of Palestine and a comprehensive peace in the Middle East through the achievement of the two-State solution. Regrettably, no progress has been made due to Israel's continued defiance of international law, including international humanitarian and human rights law.

The international community must not waver in its calls upon Israel to cease all of its flagrant violations, including its collective punishment of the Palestinian people, particularly in the Gaza Strip, and its illegal settlement activities, and to return to negotiations in good faith. Peace clearly cannot be achieved in circumstances where international law and human rights continue to be trampled.

The Non-Aligned Movement expresses its grave concern about the findings of the investigation carried out by the United Nations Fact-Finding Mission on the Gaza Conflict, as contained in the Goldstone report (A/HRC/12/48), as well as the conclusions reached by the Secretary-General's Board of Inquiry and the conclusions of the Arab League's fact-finding mission.

The Movement calls for serious follow-up action on the recommendations set forth in those reports towards bringing an end to the flagrant violation of international law, including international humanitarian and human rights law, and in pursuit of accountability and justice. All organs of the United Nations must assume their responsibilities in this regard, and all appropriate and available legal remedies should be applied to end human rights violations and grave breaches by Israel in the occupied Palestinian territory.

The Movement reiterates its firm conviction that respect for and compliance with international law, including international humanitarian and human rights

law, and United Nations resolutions and decisions will have a positive influence on and are necessary to advance efforts to achieve a just and peaceful political settlement of the Israeli-Palestinian conflict.

The Non-Aligned Movement urges that due priority continue to be given to promoting respect for and observance by all Member States of their obligations under international humanitarian law, particularly those under the Fourth Geneva Convention.

In this regard, the Movement takes into account the magnitude and persistence of the violations and breaches of international law, including international humanitarian law, being committed by Israel, the occupying Power, in the occupied Palestinian territory, including East Jerusalem. The Movement urges the Security Council to prevent impunity and apply accountability for the war crimes committed by Israel against the Palestinian civilian population during its military aggression on the Gaza Strip.

The Non-Aligned Movement reiterates its strong condemnation of the death and destruction caused by the Israeli military aggression on Gaza, as well as of Israel's ongoing unlawful closures and blockades, which have resulted in the virtual imprisonment of the entire Palestinian civilian population by obstructing their freedom of movement, including the movement of essential goods, humanitarian assistance and reconstruction materials. The ongoing negative consequences of the Israeli aggression on Gaza have exacerbated the humanitarian crisis on the ground, continue to fuel instability and the cycle of violence, threaten international peace and security and hamper the efforts to resume the peace process between the two sides.

The Non-Aligned Movement urges the Security Council to seriously consider and act upon the recommendations directed to it by the United Nations Fact-Finding Mission in accordance with the request by the Libyan Arab Jamahiriya, which was supported by the Non-Aligned Movement, the Organization of the Islamic Conference and the Group of Arab States. Immediate measures by the Security Council are required in this regard, in accordance with its Charter responsibility to address matters affecting international peace and security. The Non-Aligned Movement reiterates its call for the immediate implementation of all relevant Security Council resolutions and for

measures to be taken immediately to address the grave humanitarian situation resulting from the Israeli military aggression on Gaza, as confirmed in the report.

The Non-Aligned Movement reiterates its call on Israel to end the collective punitive measures it has imposed on the civilian population in Gaza. In this regard, the United Nations Fact-Finding Mission finds that Israel has imposed a blockade amounting to collective punishment and has carried out a systematic policy of progressive isolation and deprivation of the Gaza Strip. Further, the Fact-Finding Mission states that the Israeli military operation was directed at the people of Gaza as a whole, in furtherance of an overall and continuing policy aimed at punishing the Gaza population and in a deliberate policy of disproportionate force aimed at the civilian population.

Such alarming findings clearly require the attention of the Security Council. Serious measures must be taken to end impunity and ensure accountability. Immediate measures are also required to address the pressing humanitarian and economic needs of the Palestinian people in the Gaza Strip, including by the sustained and permanent opening of Gaza's border crossings by Israel, in full compliance with the terms and provisions of resolution 1860 (2009), in order to ensure the free access of humanitarian aid and other essential supplies and goods, including commercial supplies and needed reconstruction materials, and to facilitate the passage of persons to and from Gaza.

I turn now to the situation in occupied East Jerusalem. The Non-Aligned Movement expresses grave alarm at the recent attacks by extremist and militant Israeli settlers, protected by Israeli forces, at the Islamic holy sites of Al-Haram Al-Sharif and Al-Aqsa mosque. Such attacks against Palestinian worshippers represent a threat and exacerbate an already volatile situation in the occupied holy city. The Non-Aligned Movement condemns Israel's continuing provocations, aggression and illegal actions against the city's holy sites and against its Palestinian inhabitants living under Israeli occupation.

The Non-Aligned Movement reiterates its condemnation of all Israeli actions and provocative measures aimed at altering the demographic composition, geographic nature, character and status of occupied East Jerusalem and the rest of the occupied

Palestinian territory. The Non-Aligned Movement expresses grave concern that, in defiance of the clear international consensus rejecting Israeli colonization and in flagrant breach of international law, Israel continues to construct settlements in the occupied Palestinian territory, especially in and around East Jerusalem, where the occupying Power also continues, *inter alia*, to demolish Palestinian homes, evict Palestinian families from their homes, confiscate Palestinian land and properties, and carry out excavations in the city, including in the vicinity of the Al-Haram Al-Sharif compound.

The Non-Aligned Movement believes that the time has come for the Security Council to take a clear position on and serious action against Israel's violations in occupied East Jerusalem. By staying silent and leaving Israel to pursue its defiance of international law through its actions against the Islamic holy sites in the occupied East Jerusalem, the Council sends the wrong message in the wrong direction. Such illegal actions and incitement by Israel confirm doubts about its willingness to achieve peace on the basis of the two-State solution and the 1967 borders. We thus urge rapid and decisive action to prevent this volatile situation from escalating further.

Turning to Lebanon, the Non-Aligned Movement remains deeply concerned by Israel's ongoing violations by air and land of Lebanese sovereignty, in breach of resolution 1701 (2006), and calls on Israel to fully withdraw from the remaining Lebanese lands it occupies in the Shaba'a Farms, the Kfar Shuba Hills and the northern part of Al-Ghajar village.

With respect to the occupied Syrian Golan, the Non-Aligned Movement reaffirms that all measures and actions taken or to be taken by Israel, the occupying Power, to alter the legal, physical and demographic status of the occupied Syrian Golan and its institutional structure, as well as Israeli measures to impose jurisdiction and administration there, are null and void and have no legal effect.

The Non-Aligned Movement demands that Israel abide by resolution 497 (1981) and that it fully withdraw from the occupied Syrian Golan to the borders of 4 June 1967, in implementation of resolutions 242 (1967) and 338 (1973).

In a world where respect for human rights and fundamental freedoms occupies centre stage, nothing justifies a policy of collective punishment of a people

under effective occupation or the destruction of their means to live a dignified life. The lack of accountability for serious violations has reached a crisis point. The ongoing failure of justice could undermine hopes for a successful outcome to the peace process and reinforce an environment that fosters violence.

The Non-Aligned Movement remains ready to actively engage in any possible action to guarantee the investigation and prosecution of all those responsible for crimes against the civilian population in the Gaza Strip. The Non-Aligned Movement stresses that justice for these crimes must take its course.

The President: I now give the floor to the representative of the Syrian Arab Republic.

Mr. Ja'afari (Syrian Arab Republic): I have the honour to make this statement on behalf of the Organization of the Islamic Conference (OIC).

The OIC expresses its serious concern about the grave situation in the occupied Palestinian territory, including East Jerusalem, especially the continuing inhumane Israeli blockade and dire humanitarian crisis being imposed on the Palestinian civilian population in the Gaza Strip and the ongoing illegal colonization campaign being carried out by Israel, the occupying Power, particularly in and around occupied East Jerusalem.

We strongly condemn the recent attacks perpetrated by Israeli occupying forces, including extremist settlers, against Palestinian civilians and worshippers at Al-Aqsa mosque and the Al-Haram Al-Sharif compound in occupied East Jerusalem. Our group reiterates its condemnation of Israel's persistent aggression against Islamic and Christian holy places and sites in Al-Quds Al-Sharif and against the Palestinian inhabitants of the holy city of Al-Quds, which continues to cause tensions to rise and difficulties to mount for the Palestinian inhabitants of the city in all spheres of life.

The new chapter of this Israeli aggression is the ongoing saga of terror launched by the occupying Power on 27 September 2009, when it began excavation activity in a holy site, the purpose of which was to undermine the site's symbolic and sacred significance for Muslims throughout the world and for the Islamic faith itself.

Israel's current aggression against the Al-Aqsa mosque is not the first of its kind. We still recall its attempt to burn down the mosque in 1969, the excavation of a tunnel near the mosque in 1996 and the continuation of this excavation activity in 2007. In another act of aggression, on 28 September 2000, Ariel Sharon, leader of the right-wing opposition at that time, visited the Al-Aqsa mosque compound, which led to the outbreak of the second Palestinian intifada and the hampering of the peace process.

The OIC expresses grave concern about and condemns in particular Israel's illegal and intensifying colonization measures, including its ongoing settlement activities, the transfer of further Israeli settlers and the construction of the wall in the occupied Palestinian territory, especially in and around the Holy City. It also condemns Israel's escalation of its practice of demolishing Palestinian homes, the eviction of Palestinian families from the city, the confiscation of more Palestinian land, homes and properties, the illegal excavation near and beneath Al-Aqsa mosque in the Al-Haram Al-Sharif compound, the revocation of Palestinian residency rights in the city, the continued closure of Palestinian institutions in the city and the imposition of severe restrictions of movement that have isolated the city from the rest of the occupied Palestinian territories. Each one of these crimes constitutes a violation of the Geneva Conventions.

The OIC calls for the immediate cessation of all such illegal Israeli activities, in accordance with the occupying Power's obligations under international law, including the Fourth Geneva Convention and relevant resolutions of the Security Council and General Assembly and in accordance with commitments and obligations under the Quartet Road Map and in respect of the firm international consensus in this regard.

The OIC calls on the international community, and the Security Council in particular, to shoulder its responsibilities, including, in particular, towards occupied East Jerusalem, and to take urgent action to bring a complete halt to all illegal Israeli measures and actions aimed at changing the demographic composition, character, geographical nature and legal status of the Holy City and at depopulating it of its Palestinian inhabitants, entrenching the occupying Power's unlawful control of the city and thus illegally and unilaterally determining the fate of Al-Quds Al-Sharif, the capital of the future State of Palestine.

The OIC recalls paragraph 4 of resolution 2/36-PAL, adopted at the thirty-sixth ministerial meeting of the OIC in Damascus, in which the members reaffirmed that all the Israeli colonial settlement measures and practices in Al-Quds and the rest of the occupied Palestinian territories are null and void, in line with the resolutions of international legitimacy, as well as international covenants and conventions that consider all Israeli legislative, administrative and colonial settlement procedures and measures aimed at altering the legal, demographic, architectural, cultural and heritage-related status of the Holy City as null and void, and contrary to the resolutions and decisions of international legitimacy and international covenants and conventions and, therefore, as diametrically opposed to agreements signed between the Palestinian and Israeli sides. The resolution requests the Security Council to revive the International Supervision and Monitoring Committee to Prevent and Prohibit Colonial Settlement in Al-Quds and the Occupied Arab Territories.

Our group expresses its full support for the request made by the Libyan Arab Jamahiriya to convene an urgent meeting of the Security Council to consider the report of the United Nations Fact-Finding Mission in Gaza (A/HRC/12/48), known as the Goldstone report.

An important facet of the Goldstone report's findings on the causal effects of the recent Israeli aggression against Gaza, taking into account the historical perspective, serves to highlight once again that the root cause of this conflict is the Israeli occupation, and nothing else. It also confirms the fears and deep concerns of the international community about Israeli violations that amounted to war crimes and possible crimes against humanity, including wilful killings, deliberate attacks on civilian objects, wanton destruction of civilian property, indiscriminate attacks, the use of human shields and collective punishment against Gaza's civilian population in the form of a continuing blockade.

Objective and apt recommendations made in this report are not just addressed to the Human Rights Council. The report also made an inevitable request, set out in paragraph 1969, that the Security Council shoulder its responsibilities. Therefore, the Security Council must meet its responsibilities as mandated in the Charter, take all necessary actions to bring the

Israeli perpetrators of these war crimes to justice and put an end to the Israeli mindset of impunity.

The OIC once again expresses its regret at the continued non-cooperation on the part of Israel, the occupying Power, with all the independent and international missions that have been mandated to investigate human rights violations of the occupied Palestinian people. Such an attitude reflects an above-the-law mentality and constitutes a clear refusal to acknowledge the international community's human rights concerns.

The OIC remains deeply concerned by Israel's ongoing violations, by both air and land, of Lebanon's sovereignty, in breach of Security Council resolution 1701 (2006), and it calls on Israel to withdraw fully from the Lebanese land it continues to occupy in the Sheba'a farms, the Kfar Shouba Hills and the northern part of al-Ghajar village.

The OIC also reaffirms that all measures and actions taken, or to be taken, by Israel, the occupying Power, to alter the legal, physical and demographic status of the occupied Syrian Golan and its institutional structure, as well as the Israeli measures to impose jurisdiction and administration there, are null and void and have no legal effect. The OIC demands that Israel abide by Council resolution 497 (1981) — which, by the way, was adopted by consensus — and withdraw fully from the occupied Syrian Golan to the borders of 4 June 1967, in implementation also of Council resolutions 242 (1967) and 338 (1973).

The OIC calls on the international community to intensify its efforts to accelerate the achievement of a just and comprehensive peace settlement on the basis of relevant United Nations resolutions, the Madrid terms of reference, including the principle of land for peace, the Arab Peace Initiative and the Road Map. The OIC reiterates its firm and unwavering support for the just cause of Palestine. The OIC calls for the speedy realization by the Palestinian people of their inalienable rights, including their right to self-determination, with the establishment of their independent State of Palestine with East Jerusalem, Al-Quds Al-Sharif, as its capital, and for a just solution for the plight of the Palestine refugees on the basis of General Assembly resolution 194 (III).

The President: I now give the floor to the representative of Brazil.

Mrs. Viotti (Brazil): I thank you, Mr. President, for having convened this open debate on the Middle East. It is only natural that Member States be given a chance to voice their views on such a crucial issue on the international peace and security agenda. I would also like to welcome the presence of Mr. Riad Al-Malki among us today. Moreover, I express my appreciation to Under-Secretary-General Lynn Pascoe for his informative briefing.

We gather at a moment of renewed hope, but also of heightened tensions, in the Israeli-Palestinian conflict. On the one hand, the efforts of the Obama Administration led by Mr. George Mitchell and the intra-Palestinian negotiations mediated by Egypt make it possible to believe that significant progress may be achieved. On the other hand, continued difficulties in resuming direct negotiations between the parties and serious incidents on the ground, including in key holy sites, further strain the peace process.

Under these circumstances, the immediate priority must be to sustain the hope among people in the region that a peaceful solution is possible and that negotiations can and will produce concrete results.

This must be obtained through deeds. The measures needed are well known. Israel must cease all settlement activity, further ease restrictions on the movement of people and goods in the occupied Palestinian territories, abandon policies that artificially alter the demographics of the West Bank and East Jerusalem, prevent and stop violence and provocation from extremists and immediately lift the blockade on Gaza. Just as important, it must accept that there will be no true and lasting peace until there is an independent, democratic and viable Palestinian State, living side by side with Israel in peace and security within internationally recognized borders. For their part, the Palestinians must prevent and stop all violence against Israel, including rocket-launching, enhance democratic governance and overcome their divisions.

Also relevant to sustaining hope in a peaceful solution are confidence-building measures. Although they are no substitute for effective negotiations, such measures ease the state of mind, reduce mistrust and facilitate mutual understanding. Enhancing dialogue between Israeli and Palestinian civil societies, in particular journalists and political analysts, is a promising avenue. Their capacity to contribute to peace

is strong and was evident to the International Media Seminar on Peace in the Middle East, held last July in Rio de Janeiro.

All this would certainly allow for the prompt resumption of negotiations on the final status. But restarting the negotiating process, although in itself key to sustaining hope, is not enough. In order to generate the popular support that both parties will need for the difficult decisions they will eventually have to make, the talks must deliver visible gains to the ordinary citizen in the short term. Support for dialogue and compromise will be eroded if daily life conditions are not rapidly improved in the Palestinian territories or if people in southern Israel feel seriously threatened.

As soon as conditions allow, an international conference on the Middle East peace process would also serve as a powerful tool to make the negotiating process move forward. All actors in the region that are prepared to engage constructively should be given a chance to participate in such an effort. Involving other countries from outside the region in the discussions would also bring significant momentum to the talks.

The fact-finding mission headed by Justice Richard Goldstone has discharged its mandate in an effective and professional manner. It addressed violations of international human rights law and international humanitarian law committed by all sides in the context of the military operations conducted in Gaza.

The findings presented by the mission are extremely disturbing. The Human Rights Council must review them and adopt decisions that are just and effective. Its focus must be full respect for humanitarian legislation and human rights law on the ground. Its aim should be the quest for justice. That is the indispensable basis for achieving peace and reconciliation among Israelis and Palestinians.

Before concluding, I wish to say a few words about Lebanon, a country with which Brazil has strong ties. We are concerned that violations of resolution 1701 (2006) continue to take place. It is imperative that all parties involved fully and immediately comply with all the provisions of that resolution. Brazil also calls upon all parties to cooperate fully in the prompt formation of a government of national unity able to successfully address the challenges facing the country. The Lebanese people deserve no less.

The President: I now call on the representative of Sweden.

Mr. Lidén (Sweden): I have the honour to speak on behalf of the European Union (EU). Turkey, Croatia, the former Yugoslav Republic of Macedonia, Albania, Bosnia and Herzegovina, Montenegro, Serbia, Ukraine and the Republic of Moldova align themselves with this statement.

Developments over the past year have clearly shown that we must move swiftly towards a renewal of the peace process in the Middle East. The European Union urges the Palestinian Authority and the Government of Israel to enter into serious peace negotiations as soon as possible, respecting international law and previous agreements, including implementing their Road Map obligations. We hereby reiterate the need for a political solution, with an independent, democratic, contiguous and viable Palestinian State living side by side in peace and security with the State of Israel.

We welcome the commitment of the United States Administration to pursue vigorously a two-State solution and a comprehensive peace in the Middle East. The European Union is ready to work with the parties to the conflict as well as with the United States, the other Quartet members and Arab partners to achieve that goal. The EU welcomes the initial step announced by Prime Minister Benjamin Netanyahu of commitment to a peace that would include a Palestinian State.

A durable solution to the Gaza crisis has to be achieved through the full implementation of Security Council resolution 1860 (2009). The European Union remains gravely concerned at the humanitarian situation in Gaza and calls for the immediate and unconditional opening of crossings for the flow of humanitarian aid, commercial goods and persons to and from Gaza. Reconstruction and economic recovery has to be allowed. An effective mechanism to prevent ammunitions smuggling into the Gaza Strip must also be established. The European Union calls for a complete stop to all violence, including a sustained halt to rocket attacks on Israel. We reiterate our call on those holding the abducted Israeli soldier Gilad Shalit to release him without delay.

The declared readiness of the Government of Israel to promote Palestinian economic development is a positive sign. We look forward to further and

sustained improvements in movement and access in all of the occupied Palestinian territories. The Agreement on Movement and Access of 2005 must be fully implemented.

The European Union remains deeply concerned at the continued settlement activities, house demolitions and evictions in the occupied Palestinian territories, including in East Jerusalem. We urge the Government of Israel to end settlement activities immediately, including so-called natural growth, and to dismantle all outposts erected since March 2001. The EU reiterates that the settlements are illegal under international law and constitute an obstacle to peace. The European Union will not recognize any changes to the pre-1967 borders other than those agreed by both parties.

The European Union is also very concerned about the recent incidents in East Jerusalem. We have been following closely the situation around the Al-Aqsa mosque and Temple Mount/Al-Haram Al-Sharif in recent days. We urge all parties to refrain from any provocative actions that could further inflame tensions or lead to violence. Everyone must take action to avoid escalation. If there is to be genuine peace, a way must be found to resolve the status of Jerusalem as the future capital of two States.

The European Union expresses its continued encouragement for inter-Palestinian reconciliation behind President Mahmoud Abbas and its support for the mediation efforts by Egypt and the League of Arab States. Overcoming divisions among Palestinians would help prevent a deeper separation between the West Bank and Gaza and preserve the chances of restoring the unity of a future Palestinian State. The EU calls on all Palestinians to find common ground, based on non-violence, in order to facilitate reconstruction in Gaza and the organization of elections. The EU urges Arab countries and other partners to be forthcoming, both politically and financially, in assisting the Palestinian Authority. Underlining the importance of the Arab Peace Initiative, the EU reiterates its call on Israel and all Arab countries to take confidence-building measures in order to stimulate mutual trust and create an atmosphere conducive to conflict resolution.

A lasting settlement of the conflicts between Israel and Syria and between Israel and Lebanon should be pursued, creating mutually reinforcing processes. In this regard, the EU expects Syria and

Israel to resume peace negotiations. The EU welcomes the formation of a new Lebanese Government as soon as possible.

The report of the United Nations Fact-Finding Mission on the Gaza Conflict contains allegations regarding grave violations of international humanitarian law. As it has said in the Human Rights Council, the EU is committed to assess the report and its recommendations seriously. We will do so based on the clear positions expressed by the European Union on the conduct of the conflict and the importance the EU that attaches to a durable peace. The EU deeply deplores the loss of life during the Gaza conflict, particularly the civilian casualties. The EU has consistently reminded all parties to the conflict of their obligations under international human rights and humanitarian law.

One of the European Union's overarching human rights priorities is combating impunity. On this basis, we call upon both parties to fully adhere to international humanitarian and human rights law. The European Union emphasizes the importance of appropriate and credible investigations into possible violations of international human rights law and international humanitarian law by the parties to the conflict in accordance with international standards, noting that the Mission directs its recommendations to both Israeli and Palestinian actors.

The Human Rights Council should ensure appropriate follow-up, in particular by assessing whether credible investigations have been conducted by both sides. During the continued consideration in the Human Rights Council, we will engage constructively in the search for a consensual resolution.

The President: I call on the representative of Liechtenstein.

Mr. Wenaweser (Liechtenstein): We welcome this opportunity to address the situation in the Middle East — a crisis that dates back to the very beginning of this Organization and has been the subject of countless United Nations resolutions in this Council and in other intergovernmental bodies. While there is a stated commitment to lasting peace on the basis of a two-State solution, we have not seen a credible peace process for quite some time now — that is a process based on past resolutions and commitments and respect for international law.

We reiterate our hope for a political solution that provides for an independent and viable State of Palestine living peacefully side by side with the State of Israel, with secure and internationally recognized borders. One of the prerequisites for such an outcome is the full implementation of resolution 1860 (2009) of this Council. Nine months after its adoption, the humanitarian situation in Gaza still gives rise to serious concern.

The report of the United Nations Fact-Finding Mission on the Gaza Conflict submitted to the Human Rights Council in Geneva gives a detailed account of violations of international humanitarian law committed by both parties to the conflict. We are concerned about the findings of the report that indicate a systematic disrespect for the principle of proportionality and grave violations of international humanitarian law, including deliberate attacks on civilian institutions that led to massive civilian casualties.

The conclusion that some of the acts committed may amount to crimes against humanity is particularly disturbing to us. As a State party to the Rome Statute of the International Criminal Court, we fully subscribe to the principle that national jurisdictions have primary jurisdiction regarding such crimes and an obligation to investigate and prosecute them. We therefore support the recommendation of the Fact-Finding Mission that the parties to the conflict establish, within a set timeframe, independent investigations in conformity with international standards, of serious violations of international humanitarian and human rights law. Against that background, we welcome the pledges made by both parties to investigate and prosecute the alleged crimes.

We understand that this issue is again under consideration by the Human Rights Council in Geneva, which will convene in a special session tomorrow. But we also believe that the Security Council has an obligation in this respect. First, it must make it clear that there is no choice between peace and justice. Quite the contrary: measures taken to combat impunity will contribute to a lasting political solution in the Middle East, as accountability for serious crimes will promote confidence in the peace process.

Furthermore, this Council must insist on respect for the applicable rules of international humanitarian law, without any exception. The laws of armed conflict apply irrespective of the parties' reasons for engaging

in combat — be it to fight against terrorism or to fight against foreign occupation. The protection of civilians must always be the primary consideration — in accordance with international humanitarian law and in accordance with the most basic principles of humanity.

The President: I call on the representative of the Sudan.

Mr. Mohamad (Sudan) (spoke in Arabic): On behalf of the Group of Arab States, I congratulate you, Sir, upon your assumption of the presidency of the Security Council this month. It is an honour to inspiring and friendly Viet Nam that we all welcome. We also welcome warmly His Excellency, Mr. Riad Al-Malki, Minister for Minister for Foreign Affairs of the Palestinian Authority.

Israel has now become the subject of discussion in the Security Council yet again, but not only because of its despicable occupation of Palestine and other Arab territories and its violation of all norms and total disregard for the United Nations and its resolutions. Israel has returned here, not through the door of the separation wall that was condemned by the international community or through its actions in taking lives and destroying crops and other practices that have been denounced in this Organization, but this time through the gateway of its shameful violations contained in the report by Judge Goldstone on Israel's war crimes and crimes against humanity committed through its barbaric campaign in Gaza.

This will not be the first or the last time in which the Security Council will discuss the situation in the Middle East, including the Palestinian question. This issue has been on the table of the Council for six decades. In all of its aspects, it constitutes a threat to international peace and security, at a time when the Security Council has been unable to assume its responsibility to compel Israel, the occupying Power, to withdraw from the Palestinian and Arab occupied territories or to enable the Palestinian people to establish an independent State, with Jerusalem as its capital, and reach a comprehensive and just settlement of the Palestinian question — which is the core of the conflict in the Middle East.

However, today's meeting acquires great and distinct importance as it coincides with the release of the Goldstone report. That represents a real challenge to the credibility of the Security Council, as noted in

the request made to the Council last week by brotherly Libya.

Israel's war in Gaza was no secret. We all witnessed it through the international media. Its terrorization and murder of civilians have been the subject of discussion everywhere. Israel launched a destructive war against Gaza that killed and maimed thousands of people, caused great destruction to infrastructure and citizens' property, and violated international, international humanitarian and human rights law and the Fourth Geneva Convention of 1949.

Nevertheless, this Council has remained virtually silent, having made no response other than to denounce and express its concern about such actions, in spite of the fact that Israeli violations against Palestinian civilians have shocked the peace-loving people of the world and all advocates of freedom, justice and human rights. Israel's actions have also placed a burden on the Security Council, which is responsible for maintaining international peace and security and to put an end to this destructive war against Gaza and to the suffering of its unarmed civilians.

In April this year, as everyone here knows, the Human Rights Council established the Fact-Finding Mission on the Gaza Conflict

"to investigate all violations of international human rights law and international humanitarian law that might have been committed at any time in the context of the military operations that were conducted in Gaza during the period from 27 December 2008 and 18 January 2009, whether before, during or after" (*A/HRC/12/48, para. 1*).

Since then, the Mission has implemented its mandate with great professionalism, in accordance with that request and reviewed all relevant materials regarding the occupied Palestinian territories and Israel. Wherever the Mission found a positive response, Israel would not permit it to receive assistance or cooperation from any party. This was not the first time that Israel has interfered in the discharge of legitimate international mandates, missions and committees, or with cooperation with United Nations bodies. Israel has always considered itself above the law. This is the culture with which we are all familiar.

The Mission looked into many incidents and conducted hundreds of personal interviews. It has reviewed hundreds of reports and photographs, as well

as scores of video tapes. It has made field visits and conducted investigations on the ground. It has talked to victims, witnesses and other relevant people, and it has reached a set of factual and legal conclusions that are extremely important.

On the matter of the siege of Gaza, the report has concluded that the behaviour of the Israeli occupation forces represents a grave violation of the Fourth Geneva Convention by virtue of deliberate killings and the infliction of inordinate suffering on civilians under its authority. The report also concludes that the deliberate targeting and arbitrary killing of Palestinian civilians represent a violation of the right to life. The report also indicates that the persecution of the besieged people of Gaza under siege represents a crime against humanity.

The Mission also looked into many cases in which Israel has destroyed industrial infrastructure and food production facilities, water storage facilities, sanitation facilities, homes and even flour mills. It concludes that the violations of the Fourth Geneva Convention, the excessive and illegal destruction, and other grave violations committed undoubtedly constitute war crimes.

With regard to the destruction of Government installations and infrastructure, the report indicates that the attacks against those targets were deliberate, as were the attacks on civilian targets, in violation of international humanitarian law. It also concludes that there was a systematic policy by the Israeli armed forces to target civilian sites and that, in addition to the wide-scale destruction of homes, the Israeli army also launched a campaign of barbaric destruction of civilian installations during the final days of occupation and its withdrawal from Gaza, which the report deems to be a violation of the fundamental right of families to life and dignity.

With regard to violations against civilians, the Goldstone report also indicates that the behaviour of the Israeli forces — particularly the relentless and barbaric targeting, abuse, humiliation, persecution, collective punishment and use of Palestinian civilians as human shields — constitutes a grave violation of the Fourth Geneva Convention and a war crime. The report also clearly indicates that Israel knowingly ordered the direct bombing of mosques and hospitals and that those attacks represent deliberate aggression against civilian inhabitants and installations.

What I have noted here is probably just a small part of the truth and of the examples cited in the report. The report cites crimes against humanity and war crimes committed by Israel before, during and after the war against Gaza, within the Gaza Strip and throughout the occupied Palestinian territory, and the imposition of checkpoints and restrictive measures against and repression of the Palestinian population.

The Mission also concludes that the occupying Power bears the responsibility for war crimes and crimes against humanity and that the main reason for those crimes and the suffering is the occupation itself. The report indicates that

"Israel's continuing occupation of the Gaza Strip and the West Bank emerged as the fundamental factor underlying violations of international humanitarian and human rights law against the protected population and undermining prospects for development and peace. Israel's failure to acknowledge and exercise its responsibilities as the occupying Power further exacerbated the effects of occupation on the Palestinian people, and continue to do so. Furthermore, the harsh and unlawful practices of occupation, far from quelling resistance, breed it, including its violent manifestations. The Mission is of the view that ending occupation is a prerequisite for the return of a dignified life for Palestinians, as well as development and a peaceful solution to the conflict." (*ibid.*, para. 1897)

None of these Israeli measures has weakened the resolve of the Palestinian people, which has stood fast in demanding its right to dignified life. The Mission's report also indicates that "[t]he Mission was struck by the resilience and dignity shown by people in the face of dire circumstances" (*ibid.*, para. 1898).

The Mission's legal conclusions and citations of violations put the Council in a position of historic responsibility and require it to address these conclusions and to support the resolute and steadfast demand of the Palestinian people to its legitimate right to self-determination, to establish its independent State and to achieve a comprehensive and just peace, including Israel's withdrawal from all Arab territories occupied since 1967, in accordance with the relevant resolutions of this Council and the General Assembly.

The very fact that some parties have been trying to find a way to prevent the Goldstone report from

being considered has sent the wrong message to Israel. It was not enough for that country to launch a destructive war against Gaza and its women and children; it had to begin another war against Al-Quds Al-Sharif, destroying homes, Judaizing the holy city and continuing its settlement activities, its excavations under the Al-Aqsa mosque and its siege against those who pray there, in another catastrophe for the Palestinian people.

We call on the Security Council to shoulder its responsibility before it is too late and before it has to meet again after the blood of martyrs has been spilled and the cries of children and women have been heard and their anguish seen. The situation in Jerusalem is extremely grave, and Israel's practices will unleash a catastrophe. The Council must shoulder its responsibility and respect its commitments by putting an end to Israel's excavations under the Al-Aqsa mosque, the suffering of the people who pray there, the destruction of homes, and above all else the occupation.

Furthermore, the Arab Group wishes to reiterate once again that all actions by Israel to alter the legal, physical or demographic character of the occupied Syrian Golan and all measures taken by Israel to impose its legal authority there are null and void. We also wish to emphasize once again that the building and expansion of Israeli settlements in the occupied Syrian Golan constitute a challenge to the international community and a grave violation of international law, the Charter of the United Nations, the relevant resolutions, including Security Council resolution 497 (1981), and the Fourth Geneva Convention. We call on the members of the Security Council to shoulder their responsibility by compelling Israel to comply with resolution 497 (1981) and fully withdraw from the Syrian Golan to the borders of June 4 1967. We also call for an Israeli withdrawal from all occupied Lebanese territories, including the Shaba'a farms, the Kafr Shuba Hills and Al-Ghajar village.

From Israel's assassination of United Nations representative Count Bernadotte early in its occupation of Palestine to its destruction of the homes of children and schools of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, Israel has posed a grave threat to the peace and security of the region and of the entire world, disregarding the authority of this international Organization. The Security Council bears a responsibility to restore the

Organization's credibility, which has been gravely damaged by Israel, and should do so today, not tomorrow. The Goldstone report provides the Council with a final opportunity to restore that essential credibility and to refute all claims that justice was politicized in the report. Will the Council do that? We hope so.

The President: I now call on the representative of Nicaragua.

Mrs. Rubiales de Chamorro (Nicaragua) (*spoke in Spanish*): At the outset, I wish to congratulate you, Sir, a representative of the honourable people and Government of Viet Nam, on your assumption of the presidency of the Security Council. We are confident that your leadership will make significant contributions to the urgent issue before us. We thank the delegation of the Libyan Arab Jamahiriya, without whose participation and initiative we would not be debating this issue today.

We align ourselves with the statement made by the representative of Egypt, current Chair of the Non-Aligned Movement. It was a broad and principled statement expressing the positions of our Movement on all key issues related to the situation in the Middle East, including the question of Palestine. It was fully in keeping with my country's principled position, in particular our recognition that Israel has not abandoned its policies and practices aimed at perpetuating the occupation of all Palestinian territories and other Arab territories occupied in Syria and Lebanon; its ongoing obstacles to serious peace negotiations in the Middle East; its continued policy of building rather than dismantling settlements; its ongoing blockade of Gaza; its practices in violation of the status of Jerusalem; or its reprehensible ethnic cleansing of that city's legitimate Arab and Palestinian inhabitants — all to prevent the establishment of a Palestinian State and the achievement of peace in the region.

There is a universal consensus in favour of reversing this situation on the basis of negotiations and the establishment of two States. Only Israel is opposed to that consensus. The Security Council cannot maintain its passive attitude of the past, allowing Israel to manipulate the situation in the Middle East and to perpetuate its occupation, in violation of the Charter of the United Nations and all norms of international law. Israel's latest war crimes, committed during its

invasion of Gaza in December, exhausted the patience of the international community.

In the light of this most recent crime against humanity, the Human Rights Council, of which Nicaragua is a member, decided to establish a fact-finding mission, led by Judge Goldstone, to investigate all violations of international law, human rights and international humanitarian law that may have been committed at any time in the context of the military operations carried out by Israel in Gaza from 27 December 2008 to 18 January 2009.

The report (A/HRC/12/48) concludes, *inter alia*, that serious violations of international law were clearly committed by Israel during the conflict in Gaza and that Israel committed acts that constitute war. The report is yet further testimony to all the crimes committed by Israel.

The recommendations of the Goldstone mission should be followed by all United Nations organs, in particular the Security Council, and all possible legal measures should be taken to put a definitive end to all of Israel's human rights violations in the occupied territories. The consideration of the report should result in unequivocal action by the Security Council that puts an end to Israel's impunity and its practices and policies of the past 60 years; it must also ensure the necessary accountability and justice. The Security Council would be an accomplice in the crimes described in Judge Goldstone's report if the decisions necessary for the implementation of its recommendations were not adopted.

The President: I now call on the representative of Indonesia.

Mr. Natalegawa (Indonesia): Let me begin by expressing the appreciation of my delegation to you, Mr. President, and to the other members of the Council for convening this pertinent and timely meeting. We thank Under-Secretary-General Lynn Pascoe for his briefing. We wish in particular to welcome the participation of Mr. Riad Al-Malki, Minister for Foreign Affairs of the Palestinian National Authority, and to underscore the importance of the statement he made this morning.

My delegation wishes also to associate itself with the statements delivered by the representative of Egypt on behalf of the Non-Aligned Movement and by the representative of the Syrian Arab Republic, speaking in

his capacity as Chair of the Organization of the Islamic Conference.

Indonesia appreciates the thorough, analytical and comprehensive report of the United Nations Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48), chaired by Justice Richard Goldstone. Indonesia is gravely concerned and dismayed over the findings of the investigation. The report describes Israel's activities as a deliberate assault aimed at punishing, humiliating and terrorizing a civilian population and radically diminishing its local economic capacity. The effect is to force upon the people of the Gaza Strip an ever-increasing sense of dependency and vulnerability, an excessive and disproportionate use of force, and a policy of collective punishment. In short, Israel has committed a variety of crimes, including war crimes, in violation of international law and international humanitarian law, as well as the Fourth Geneva Convention.

Israeli military operations in Gaza from 27 December 2008 to 18 January 2009 worsened the already dire humanitarian situation there. Indeed, the illegal blockade and closure of the Gaza crossings by Israeli authorities persist. Their grave humanitarian impact on the Palestinian people hardly needs recalling. Not least are its damaging consequences in further sowing the seeds of animosity and propelling the cycle of violence in the region.

In this context, my delegation would like to reaffirm in the clearest manner possible its outrage at and strong condemnation of the military onslaught by Israel in the Gaza Strip. We therefore commend the Fact-Finding Mission for its recommendations and urge all parties concerned to pay the utmost attention to the report's conclusions and follow up its recommendations accordingly.

The Mission's report states that Israel's continued occupation of the Gaza Strip and the West Bank constitutes the fundamental factor underlying violations of international humanitarian and human rights law, and that ending the occupation is a prerequisite for the restoration of a dignified life for the Palestinians, as well as for development and a peaceful solution to the conflict.

We are in full agreement with such observations. The conflict in the Middle East has indeed been going on for far too long. For 60 years, the illegal Israeli occupation has made the region a theatre of tension and

violence. The core issues — the status of East Jerusalem, the borders of a Palestinian State, settlements in the West Bank, Palestinian refugees, security and water resources — remain unresolved. For many years Indonesia has joined the international community in drawing attention to the consequences of Israel's continued illegal activity in Arab occupied territories. We therefore support the current surge in diplomacy aimed at relaunching negotiations and jumpstarting a comprehensive peace process, as demonstrated by ongoing efforts, particularly those of the United States.

One of the core issues that require urgent attention is Israeli settlement activities in the Palestinian territory. Israel's settlement policies and practices, which have been aimed at altering the demographic composition, physical character and status of Palestinian territory, including East Jerusalem, are a blatant violation of international law. The settlements are the greatest obstacle to the establishment of a physically viable, sovereign and independent Palestinian State, and thus to the achievement of peace. This issue is intricately related to nearly all other final-status issues.

If Israel has a genuine commitment to peace, it must stop all settlement construction, expansion and planning in the occupied Palestinian territory, including East Jerusalem, and dismantle the settlements built therein. For these reasons, we attach primary importance to the role of the Security Council in responding to the settlement issue, as it did in 1980 through its resolution 465 (1980). The Security Council must regain its role in resolving this very important issue.

We also wish to urge the Palestinians who have been involved in the reconciliation talks for many months not to relent in those efforts, as facilitated by Egypt. Palestinian unity is all the more crucial in the face of the present challenges. In this regard, it is our hope that, as they prepare to hold Palestinian Authority presidential and parliamentary elections in January 2010, the negotiating factions will continue to focus on the critical importance of unity among all Palestinians.

Finally, my delegation wishes once again to express its concern over Israel's ongoing land and air violations of Lebanon's sovereignty, in violation of Security Council resolution 1701 (2006). We call on Israel to withdraw fully from the remaining occupied Lebanese land, and we wish to make a similar call for

Israel's withdrawal from the occupied Syrian Golan, in implementation of Security Council resolutions 242 (1967) and 338 (1973).

The President: I now call on the representative of South Africa.

Mr. Sangqu (South Africa): We wish to congratulate you and your country, Mr. President, on your assumption of the presidency of the Council this month. We welcome the opportunity to participate in this debate on the situation in the Middle East, including the Palestinian question.

South Africa aligns itself with the statement delivered by the Permanent Representative of Egypt on behalf of the Non-Aligned Movement. We thank Mr. Lynn Pascoe for his briefing to the Council this morning; we also wish to express our appreciation for the presence of the Palestinian Foreign Minister and to thank him for his statement.

The current situation in the Middle East should be understood in the context of the ongoing Israeli military occupation of the Palestinian territory and other Arab territories, which dates back to 1967, and the associated denial of the right to self-determination of the Palestinian people. Israel's track record of disregarding international law and the failure of the Security Council to take any meaningful action in response are the key factors contributing to the lack of progress in the peace process. It is essential to the maintenance of international peace and security that all parties fully respect and meet their obligations under international law, including international humanitarian and human rights law, and that the Security Council discharge its mandate under the United Nations Charter without selectivity or double standards.

South Africa condemns the continuing Israeli blockade of Gaza and the ongoing construction and expansion of illegal settlements in the West Bank and East Jerusalem. The continuing construction of the separation wall and intensified home demolition programmes that we are currently witnessing in East Jerusalem constitute serious violations of international law, as definitively clarified in the Advisory Opinion of the International Court of Justice of 9 July 2004. My delegation is also concerned about the recent Israeli provocations in East Jerusalem. These activities undermine all efforts to achieve peace between the Palestinian and Israeli peoples.

The South African Government has condemned the acts of aggression, as well as the gross and systematic violations of human rights, in the occupied Gaza Strip during the incursion by the Israeli Defense Forces there in the latter part of December and earlier this year, leading to massive loss of innocent lives and the displacement of thousands of Palestinians. In an act of disregard for its obligations under international humanitarian and human rights law and towards the international community, the Israeli Defense Forces attacked the school facilities of the United Nations Relief and Works Agency for Palestine Refugees in the Near East and destroyed Palestinian infrastructure. We welcomed the decision of the Secretary-General to establish and dispatch a Board of Inquiry to Gaza. However, we regret that its findings and recommendations have yet to be implemented.

The South African Government has studied the report (A/HRC/12/48) of the United Nations Fact-Finding Mission on the Gaza Conflict in detail. My delegation wishes to acknowledge with appreciation the outstanding manner in which Justice Richard Goldstone and other members of the Mission discharged their mandate under difficult circumstances. South Africa unequivocally endorses the findings and recommendations contained in the report. We reiterate our full confidence in Justice Goldstone, recalling the prominent role he played in our country's transition to democracy and his work on many other international issues, including the International Criminal Tribunals for the former Yugoslavia and Rwanda.

As Justice Goldstone has said, "a culture of impunity in the region has existed for too long. The lack of accountability for war crimes and possible crimes against humanity has reached a crisis point". We therefore call upon the Security Council to discharge its Charter-mandated responsibilities with respect to this crisis, which has gone on for far too long.

This year marks the sixtieth year anniversary of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). We commend UNRWA for its invaluable humanitarian and development assistance to the Palestinian refugees over the past six decades. South Africa remains committed to contributing to the UNRWA General Fund on an annual basis in recognition of the Agency's invaluable assistance to the most vulnerable Palestinians.

South Africa has consistently demonstrated our unwavering support for the right of the Palestinian people to a viable State of their own. We believe that a vision of peaceful coexistence between Israelis and Palestinians, based on the creation of a Palestinian State coexisting peacefully alongside Israel on the basis of the 1967 borders, with East Jerusalem as its capital, is the only sustainable solution to this conflict. We remain convinced that negotiations are the only way to end the conflict and the occupation of the Palestinian and other Arab territories.

South Africa continues to support a negotiated solution to the Israeli-Palestinian conflict, in line with international resolutions and initiatives such as Council resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003), General Assembly resolution 194 (III) and the Arab Peace Initiative. We look forward to a day when the bloodshed ends and two States, Palestine and Israel, are able to coexist in peace and security, within internationally recognized borders.

The President: I now call on the representative of Cuba.

Mr. Núñez Mosquera (Cuba) (spoke in Spanish): Allow me to express my congratulations to Viet Nam for its presidency of the Council for the month of October and to welcome the presence in this Chamber of His Excellency Mr. Riad Al-Malki, Minister for Foreign Affairs of the Palestinian National Authority.

The situation in the occupied Palestinian territory, including East Jerusalem, continues to be marked by violence and instability. The lack of respect for international law by Israel, the occupying Power, and its ongoing illegal occupation of Palestinian and other Arab territories remain the major obstacles to achieving a just, lasting and comprehensive peace in the region.

Cuba appreciates the presentation of the report of the United Nations Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48) — the Goldstone report. It is an objective and legally rigorous document, drafted with professionalism and impartiality.

Israel's rejection of the conclusions of the Fact-Finding Mission and its reluctance to cooperate in their implementation corroborate that Government's lack of respect for the will of the overwhelming majority of the international community and its disregard, once again, for General Assembly and Security Council

resolutions and decisions. In addition, it continues to enforce a criminal blockade against the population of Gaza.

With its military aggression of last December and January, Israel not only flagrantly violated international law, including its legal obligations as the occupying Power, but also perpetrated war crimes and crimes against humanity. Those responsible for those barbarous acts have not been prosecuted and remain unpunished. Such impunity is possible only because of the protection that Israel receives from the superpower that continues to supply the financial resources and armaments with which Israel carries out its aggressive policy.

The Mission has confirmed that both the previous blockade and the aggression against the Gaza Strip constitute a form of collective punishment against the Palestinian population in Gaza, and that they were conceived for that very purpose by the authorities of Israel.

The report not only provides evidence of Israel's numerous violations of international humanitarian law, including the principles of distinction and proportionality; it also demonstrates that there was a clear intention to attack civilian objectives, as evidenced by the order given to soldiers to make no distinction between military and civilian targets.

The devastating machinery of war of the occupying Power destroyed everything in its path. In addition to the more than 1,400 deaths — including more than 300 children — caused by these acts of aggression, schools, hospitals, houses, public buildings, food supply facilities, water purification systems, factories and the economic infrastructure in general were irrationally destroyed. That was done with the clear intention of making life increasingly difficult for the Palestinian people, undermining their dignity, plunging them into terror, radically reducing their capacity for development and increasing their dependence and vulnerability.

We must also not forget that this is not the only report that very clearly documents the barbarity of the occupying Power in Gaza. Suffice it to recall that the report of the mission sent by the Secretary-General to investigate the attacks on United Nations premises in the Gaza Strip produced identical conclusions. Cuba strongly condemns those acts and urges the international

community to ensure that those responsible are prosecuted with the severity these crimes require.

Likewise, we once again call on Israel, the occupying Power, to put an end to all its violations of the rights of the Palestinian people in the occupied Palestinian territory, including East Jerusalem, and to scrupulously abide by its obligations under international law, particularly international humanitarian law and human rights norms.

In serious violation of international law and in contradiction with the objectives of the peace process, Israel, the occupying Power, continues its illegal construction of settlements and of the wall along the West Bank, especially in and around East Jerusalem. That makes the present situation unstable and dangerous, with the illegal acts of incitement, provocation and aggression carried out by extremist settlers against the population and sacred sites.

Cuba remains concerned about the huge physical, economic and social devastation caused by these illegal and destructive colonization practices, which have grave ramifications for the peace process.

Cuba reaffirms that all measures or actions taken or to be taken by Israel, the occupying Power, with the purpose of modifying the legal, physical and demographic situation or the institutional structure of the occupied Syrian Golan, and Israeli measures to impose jurisdiction and administration there, are null and void and have no legal effect.

We also reaffirm that all those measures and actions, including the illegal construction and expansion of Israeli settlements in the Syrian Golan since 1967, constitute violations of international law, international agreements, the Charter, United Nations resolutions — including Council resolution 497 (1981) — and the Fourth Geneva Convention, as well as a challenge to the international community. Cuba demands that Israel withdraw completely from the occupied Syrian Golan to the borders of 4 June 1967.

We hope that current and future efforts undertaken by the international community put an end to the Israel's occupation of all Arab territories since 1967. We are convinced that the independent State of Palestine, with East Jerusalem as its capital, will become a reality sooner rather than later.

The President: I call on the representative of Pakistan.

Mr. Haroon (Pakistan): On behalf of my delegation, I would like to congratulate you, Sir, on your skilful steering of this Council and express our gratitude to you for convening this meeting.

I should like to welcome Mr. Al-Malki to the Security Council. It is a pleasure to have him with us. I should also like to thank Mr. Lynne Pascoe in absentia for starting the meeting off this morning.

It would not be unjust to say that we associate ourselves completely and wholeheartedly with the statements made by the representative of Egypt on behalf of the Non-Alignment Movement and by the representative of Syria on behalf of the Organization of the Islamic Conference.

It has been a long-held common objective of the international community to find a comprehensive peace in the Middle East. Earlier this year, this Chamber witnessed discussions at length on this very subject and, in fact, it is a very sad statement on what we are doing here today that we continue to discuss the same subject, with all its very important components and aspects that create for the international community a problematic situation that just does not go away but festers and festers.

The consequences of our inadequate response create, to my mind, a situation wherein the people of the area wait endlessly for social justice and for the rights and causes which they uphold as completely principled to be given in effect some recognition by this Chamber. Unfortunately, that has not yet happened, and as we sit here today, we express our serious concerns over the ongoing humanitarian situation in Gaza and the West Bank, where the people endure threats to their lives, liberty and livelihoods. The closure of Gaza's borders to the free flow of people and commerce has strangled the local economy and public services and is a continuing threat to human security.

Amidst this great human tragedy, when I spoke here last year I reminded the people of Israel of their background, their culture and their deep belief in taking the right path. I said to them, and repeat here again today, that the magnificent report (A/HRC/12/48) of the United Nations Fact-Finding Mission on the Gaza Conflict, headed by Mr. Goldstone, speaks volumes about what people can achieve if they rise above it all and wish to see the entire situation from above, and not just subjectively. I think the report, in

the manner in which it reflects the situation, deserves commendation by this house. It deserves to be commended and read in complete understanding and without reservation, because it speaks in a very strong and truthful voice.

If this house will not recognize the great work on the subject put together by its own rapporteurs, let me say that not much of what the report describes is unknown to us. We have spent months deliberating on these issues in committee and in this Council Chamber, but all I can say is that we do not somehow seem to have the eyes to read, the ears to hear or the lips to speak.

I believe that while we speak to condemn what is happening, we must also be more progressive and try to move beyond this phase. I should like to raise before this house today issues that can re-engage this Council, and I would set out four parameters for its consideration that should, in a way, be beneficial to the working of this house.

First, the Security Council, especially its five permanent members, should show the political will to achieve real progress towards peace and security in the Middle East. It is important that the Council seek firm commitments from relevant parties to relaunching negotiations aimed at achieving the two-State solution. To start afresh, we do not have to reinvent the wheel. The framework for peace is already determined in the relevant resolutions of the Security Council, as well as in the Madrid terms of reference, the Road Map, the Arab Peace Initiative and the understandings reached in Annapolis in 2007.

Secondly, the Middle East Quartet must utilize the full potential of its statement of 24 September 2009 and support the peace process through a transparent and objective engagement.

Thirdly, there is a pressing urgency to address the humanitarian plight in the Palestinian territories and to rebuild the Palestinian institutions battered by conflict and violence. We must support the efforts to achieve intra-Palestinian reconciliation, which is also a prerequisite for credible and comprehensive peace. We urge our Palestinian brothers to put aside their differences and pool their energies in the pursuit of peace.

Lastly, to achieve a lasting settlement of the Arab-Israeli conflict, it is imperative to address its root

cause, which is the Israeli occupation of the Arab territories. The solution therefore requires Israel's complete withdrawal from the occupied Palestinian territory, including East Jerusalem, and other occupied Arab territories, including the Syrian Golan. Israel should also immediately cease all settlement activities. Crucial to this equation would be parallel progress on the Syria-Israel and Lebanon-Israel tracks in order to achieve comprehensive peace in the Middle East.

It is the sincere belief of my delegation that a sustained engagement by the international community and the Security Council on the parameters I have outlined will lead to the political settlement that we have long hoped for and dreamed of.

The President: I now give the floor to Mr. Yahya Mahmassani, Permanent Observer of the League of Arab States to the United Nations.

Mr. Mahmassani (*spoke in Arabic*): I thank you, Sir, for having convened this meeting and for inviting us to participate in the Security Council's discussion of the situation in the Middle East, including the Palestinian question, following the issuance of the report of the United Nations Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48).

We welcome the Minister for Foreign Affairs of the Palestinian National Authority, Mr. Riad Al-Malki, and thank Under-Secretary-General Pascoe for his briefing.

The destructive invasion of Gaza, the policy of blockade that has deprived its people of their basic necessities, and the violation of their basic rights guaranteed under international treaties and instruments prompted the international community to send the Fact-Finding Mission to Gaza, under the chairmanship of Judge Goldstone. The Mission was inspired by international humanitarian law and international human rights law, as well as by the commitment of States, especially those occupying other countries, to the principle that occupying authorities bear responsibility for violations against civilian populations. The report concluded that Israel deliberately targeted civilians in Gaza during its invasion, using them as human shields.

These practices constitute war crimes under the Rome Statute of the International Criminal Court (ICC). The use of disproportionate force, acts of aggression against civilians, the destruction of private property and civilian infrastructure are all forms of

illegal behaviour, and such acts run counter to international law as well as the Charter of the United Nations.

Every time a decision is taken or a report is drawn up on its practices, Israel behaves as if it were above the law. This situation of unaccountability unfortunately allows impunity to prevail and undermines the credibility of the United Nations. It is high time for the Security Council to put an end to this culture of protecting Israel from the consequences of its actions in the region, and it is high time to bring to justice the perpetrators of violations of the provisions of international humanitarian law and international human rights law in order to put an end to Israel's impunity.

The Fact-Finding Mission concluded that the grave violations of international humanitarian law fall within the remit of the ICC and underscored its belief that there was a need to take specific measures to end impunity, which would stand as guarantees against the repetition of such practices in the future, contribute to putting an end to violence against civilians and promote and maintain peace. The objective of the report is to ensure that the perpetrators of war crimes are brought to justice, and such an objective does not hinder efforts to make peace.

Respect for international humanitarian law cannot serve as an obstacle to peace, and peace cannot run counter to the respect of the rights of the Palestinian people in the occupied Palestinian territories. We thus call for the implementation of the recommendations of the report.

In addition to its aggression against Gaza, Israel continues its policy aimed at Judaizing Jerusalem by confiscating land, expelling its inhabitants, isolating the city, stepping up settlement activity in and around Jerusalem and building a separation wall.

Israeli practices in the Holy City continue, excavation work is under way and the Arabic-Islamic character of Jerusalem is being changed. Jerusalem and Al-Aqsa are of special importance and significance to all Arabs and Muslims, and they form a red line that cannot be stepped over.

We are stunned by the silence of the Security Council in the face of Israel's behaviour and its actions against the city in violating its Holy Sites and in attempting to Judaize it. We ask the Security Council to

respect its obligations and put a freeze on Israel's settlement policy and its policy to Judaize Jerusalem.

The Fourth Geneva Convention is applicable to both Jerusalem and all of the occupied Palestinian territories. The core of the Israeli-Palestinian conflict lies in the occupation by Israel of Palestinian and Arab territories. As a result of this occupation, our region has suffered a number of wars and a number of tragedies and crises. All attempts to find peace in previous years have failed owing to the intransigent position of Israel and the fact that it does not take the peace process seriously.

The situation in the Middle East is in a critical phase. Efforts are under way to restore peace through negotiations and to find a just and lasting solution to the Israeli-Palestinian and Arab-Israeli conflicts, in accordance with international law and the Arab Peace Initiative. If these efforts are not successful, the impasse could lead to a deterioration of the situation, a resumption of violence and instability in the region.

The President: I now give the floor to Mr. Paul Badji, Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

Mr. Badji (*spoke in French*): In my capacity as Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, allow me, Mr. President, to congratulate you on your assumption of the presidency of the Security Council for the month of October. I am confident that under your able leadership the work of the Council will be successfully carried out.

I wish also to take this opportunity, Sir, to congratulate your predecessor, Ambassador Susan Rice, Permanent Representative of the United States of America, on the efficient and exemplary manner in which she steered the work of the Council during the month of September.

I would like to welcome the presence at this meeting of the Security Council His Excellency Mr. Riad Al-Malki, Minister for Foreign Affairs of the Palestinian Authority, and express my appreciation to Mr. Lynn Pascoe, Under-Secretary-General for Political Affairs, for his report.

On behalf of the Committee, I would like to express my appreciation for the convening of this extremely important debate on the situation in the Middle East, including the question of Palestine, which

continues to be a burning issue. In my statement today I shall not belabour the issue of how many times over the years the Council has taken up issues related to the status of Jerusalem nor of how effective its intervention has been. But I shall certainly call on the Council to follow up this monthly discussion with a concrete decision that would help to bring about an appreciable and positive change on the ground and thereby move the political process forward.

The Council's latest decision on the issue, resolution 1860 (2009), dated 8 January 2009, spelled out a number of necessary steps in that direction. Regrettably, they have, for the most part, remained unfulfilled. The situation in Gaza is still devastating. Reconstruction work has not yet begun. Israel continues its blockade of the territory. There are at present no signs that a genuine political dialogue, let alone serious negotiations on all permanent status issues between Israel and the Palestinian Governments, is about to begin.

This situation allows the illegal Israeli occupation of Palestinian land to perpetuate. Settlement construction in the occupied West Bank continues, with hundreds of new housing units being built and new construction projects approved by the Israeli occupiers.

The situation in occupied East Jerusalem is deteriorating by the day. Only last week, the Bureau of our Committee issued a statement in which it expressed alarm at the serious worsening of the situation in East Jerusalem and called attention to the ongoing demolition of houses, expulsion of Palestinian residents, construction of settlements and transfer of settlers aimed at altering the status, physical nature and demography of the holy city.

The Bureau stated that those policies and actions constitute violations of international law and that the occupying Power must immediately put an end to them. Those policies and those actions have also invalidated the considerable efforts made by the Quartet and its partners to give fresh momentum to the permanent status negotiations. Moreover, they have again called into question the credibility of the official statements of the Israeli Government regarding its will to resume serious negotiations towards reaching a two-State solution.

As our Committee has underscored on numerous occasions, the continuing occupation of the Palestinian territories, which embrace the Gaza Strip and the West

Bank, including East Jerusalem, is a violation of international humanitarian law. The relevance of the Fourth Geneva Convention to the Israeli occupation of the Palestinian territory has been confirmed by the high contracting parties and by the Security Council. The military invasion of Gaza by the Israeli army during Operation Cast Lead demonstrated that Israel flouts its obligations and responsibilities under international humanitarian law. That is also borne out by the number of dead and wounded among the population of the Gaza Strip, mainly civilians, and by the extensive and deliberate destruction of property and infrastructure.

The international community reacted promptly and unanimously to the violations carried out in Gaza. Several fact-finding missions have been dispatched by different international bodies in recent months in order to establish the facts surrounding the events of December 2008 and January 2009. The results of those inquiries have brought to light a very large number of violations of international humanitarian and human rights law, and even war crimes, committed by both parties to the conflict. Civil society organizations have drawn up reports that all conclude that egregious violations of international law were indeed committed.

Our Committee has commended the work of those fact-finding missions and supported calls for accountability. Last July in Geneva, our Committee convened the United Nations International Meeting on the Question of Palestine, which brought together renowned international experts and the representatives of Member States and of intergovernmental and civil society organizations. The participants in that meeting called for the implementation of the recommendations of all United Nations fact-finding missions and urged all States to honour their commitments under the Geneva Conventions and other legal instruments.

On 15 September, the United Nations Fact-Finding Mission, established by the Human Rights Council and chaired by Justice Richard Goldstone, presented its report on the Gaza conflict (A/HRC/12/48). It is a very comprehensive document that merits thorough study. The report ends with a set of recommendations, some of which are directed at the parties to the conflict, some to the international community and others both to the parties to the conflict and to the international community. Those recommendations should be considered by the competent bodies and given the necessary follow-up.

Our Committee believes that the perpetrators of serious crimes, whatever side they may be on, must be brought to justice and held accountable for their acts. The Committee calls for resolute action by the international community to ensure full and complete adherence to and respect for the norms of international humanitarian law. In particular, the Committee asks the high contracting parties to the Fourth Geneva Convention immediately to fulfil their obligations under common article 1 to the 1949 Geneva Conventions, which requires the high contracting parties to respect the Convention and ensure respect for it in all circumstances.

The United Nations, in particular the General Assembly, the Security Council and the Human Rights Council, should be invited to consider what steps to take to effectively address violations of international law. A negotiated solution to the Israeli-Palestinian conflict has to be based on the principles of international law, which must be scrupulously observed.

The international legal system can achieve its purpose only by ensuring respect for international law, including international humanitarian and human rights law. Indeed, international justice can be restored only if all actors of the international community are resolved to end impunity by calling for the perpetrators of violations of international law to answer for their actions. The Security Council, which, under the terms of the United Nations Charter, is charged with the maintenance of international peace and security, must take the lead role in that vitally important undertaking.

The President: I now give the floor to the representative of the United Republic of Tanzania.

Mr. Idd (United Republic of Tanzania): I wish to thank you, Mr. President, for organizing this open debate on the situation in the Middle East, including the Palestinian question. The Security Council's consideration of this matter demonstrates its determination to seek a lasting solution for peace and security in the Middle East region. Tanzania aligns itself with the statement made by the representative of Egypt on behalf of the Non-Aligned Movement.

The statements made by the Minister for Foreign Affairs of Palestine and the Permanent Representative of Israel show that both parties want peace and security in the Middle East region. The only remaining issue is how to conclude the ongoing process so as to achieve

that goal. My delegation welcomes the various efforts made by the United Nations, the European Union, the United States, the Russian Federation, Egypt and other regional players in their different initiatives, searching for durable peace and security in the region.

Tanzania reiterates its concern with regard to the situation in the occupied Palestinian territory, including East Jerusalem, as a result of continuing unlawful activities by Israel. In particular, we are very concerned by the ongoing Israeli actions in support of illegal settlements in the heart of East Jerusalem. We urge the Israeli Government to lift the embargo it has imposed on Palestinians and to open without delay all border crossings to allow the free movement of goods and persons and, most importantly, humanitarian assistance for the Palestinian civilians.

We call upon the international community, in particular the Security Council, to fulfil its responsibilities and to take the necessary action to pressure Israel, the occupying Power, to act in accordance with all of its legal obligations and commitments under the Quartet Road Map as enshrined in resolution 1515 (2003). We encourage all parties involved in the process to exercise restraint, observe a permanent ceasefire and embark on sincere dialogue to negotiate the implementation of the Road Map. In that regard, we urge the leadership on both sides of the conflict to avoid inflammatory statements and stop all forms of violence, especially against innocent civilians, such as women and children.

In conclusion, we take this opportunity to reiterate our support for the peace process and the right of the Palestinians to regain their fundamental rights, including the right to existence as an independent State living in peace and security side by side with Israel.

The President: I now give the floor to the representative of Iceland.

Mr. Pálsson (Iceland): The situation in the occupied Palestinian territory remains of grave concern and continues to threaten stability far beyond the region. Although Operation Cast Lead has ended, the people of Gaza remain besieged by limited freedom of movement, import restrictions on even the most basic necessities, the near-total prohibition of export, and the reversal of economic development. For the ordinary civilians of Gaza, the situation remains unacceptable by international standards.

Meanwhile, the closure regime is still operating in the West Bank. Iceland remains deeply concerned by the continued house demolitions, evictions and settlement activities in the occupied Palestinian territory, including in East Jerusalem. An immediate end must be put to settlements and impunity. The prolonged climate of impunity has created a crisis of justice in the occupied Palestinian territory that needs to be addressed.

Iceland fully recognizes Israel's legitimate security concerns, including over weapons smuggling and the unacceptable firing of rockets from Gaza, which destroy and endanger the lives of innocent civilians. At the same time, such violations do not justify the disproportionate use of force or the breaching of international humanitarian and human rights law.

The comprehensive report of the United Nations Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48) has concluded that there is evidence indicating serious violations of international human rights and humanitarian law committed both by Israel during Operation Cast Lead and in the West Bank, as well as by Palestinian armed groups in their repeated launching of rockets into southern Israel. The report deserves serious consideration and follow-up. The conclusions drawn require concrete action and the establishment of a credible system of investigation into the alleged violations. Every Member State must commit itself to full cooperation with the United Nations.

Iceland deems it imperative that every effort be made to bring the human tragedy in the occupied Palestinian territory to an end through negotiations and mediation. The international community must step up pressure on both sides and revitalize the peace process. More needs to be done, in particular by the Security Council, through a concerted effort to actively further the goal of ending the occupation and achieving a two-State solution, which is a prerequisite for durable peace. The political momentum that has been created must not be allowed to fade.

The President: I now give the floor to the representative of Switzerland.

Mrs. Grau (Switzerland) (*spoke in French*): I would like to thank you, Mr. President, for the opportunity for Switzerland to express its views on the situation in the Middle East. That region continues to

be prey to strong tensions that give rise to instability and suffering, in particular among the civilian population. The difficulty of forming a Government in Lebanon, in spite of the free and transparent elections held there in June, and the precarious status of the ceasefire between Israel and the Gaza Strip are both strong indicators of this recurrent instability.

Switzerland expresses its serious concern with regard to the situation prevailing throughout the occupied Palestinian territory. It has proved impossible to achieve any significant progress towards a sustainable response to the humanitarian situation in Gaza or the reconstruction and economic development needs of its population. We also note that Israel is not honouring its obligations under international law and that the construction of settlements, including in East Jerusalem, continues in contravention of the law.

Recent events in relation to the Temple Mount/Al-Haram Al-Sharif, as well as consideration of the report (A/HRC/12/48) of the independent United Nations Fact-Finding Mission on the Gaza Conflict from December 2008 to January 2009, demonstrate the need for a resumption of the peace talks and the urgency of finding a negotiated solution to the conflict.

Switzerland welcomes the Goldstone Mission's investigation of the allegations of violations committed by all the parties. However, we are preoccupied by the Mission's finding that very serious crimes were committed by the various parties in the context of the conflict in Gaza. It would be irresponsible not to follow up that finding.

It is vital that all parties to the conflict adopt forthwith the measures necessary to launch independent inquiries in conformity with international standards. They bear primary responsibility to follow up. If the parties to the conflict are unable or unwilling to meet their obligation to bring to justice those suspected of having committed serious violations of human rights and international humanitarian law, it is up to the international community to ensure that such violations do not go unpunished.

In our view, it is essential, first, to urge the parties to the conflict to adopt the appropriate measures, within a specified time frame, to open independent inquiries that meet international standards; and, secondly, to consider the establishment of an independent committee of international humanitarian

law and human rights experts to supervise any judicial proceeding undertaken by the parties to the conflict.

To conclude, the quest for a negotiated solution to the Israeli-Palestinian conflict can never be imposed to the detriment of the main goal of seeking justice and fighting impunity. Following up the Goldstone Mission in a serious way would indicate the international community's will to actively promote a lasting solution to the Israeli-Palestinian conflict.

The fight against impunity is, however, just one component of this solution. Intra-Palestinian reconciliation remains a cornerstone of the construction of a future Palestinian State. We encourage the parties involved to make a credible commitment to the efforts under way. Moreover, nothing can replace direct negotiations between the parties. My country can only encourage them to return to the negotiating table. The Geneva initiative offers a model solution and, with its recently completed annexes, a practical instrument for putting in place a peace accord. This important work accomplished by civil society could thus inspire these discussions and the settlement of the conflict.

The President: I give the floor to the representative of Bangladesh.

Mr. Momen (Bangladesh): I wish to thank you, Mr. President, and all others concerned for convening this important meeting. I also thank Mr. Lynn Pascoe, Under-Secretary-General for Political Affairs, for his briefing this morning on recent developments in the Middle East, including Palestine.

My delegation aligns itself with the statement delivered by the representative of Egypt as the Chair of the Coordinating Bureau of the Non-Aligned Movement. In addition, I would like to highlight the following points.

Bangladesh has always been committed to the cause of Palestine. It maintains solidarity with the Palestinian people in their just and legitimate struggle for self-determination and statehood. Our solidarity with the Palestinian cause and support for the inalienable rights of the Palestinian people are consistent and unwavering. Bangladesh reiterates its long-standing position that the continued occupation of Palestine is the root cause of violence, unrest and destabilization in the region. The people of Palestine are being denied their fundamental rights to

self-determination and to live freely in their own land. We believe that the establishment of an independent Palestinian State with East Jerusalem as its capital is the only sustainable solution to this long-lasting conflict.

Bangladesh condemns Israel's illegal settlement in the occupied Palestinian territory, which undermines the Palestinian territory's unity and contiguity. All concerned parties should call for an immediate freeze on the expansion of Jewish settlements, as well as the dismantling of the existing ones in the occupied territories. Such injustice cannot be allowed to continue and must be rolled back in the interest of the free movement of people and access of the humanitarian agencies. It is necessary to rededicate ourselves to the Palestinian cause of self-determination and statehood, and to work together to bring this aspiration to fruition.

We need to seize every opportunity and take measures so that Israel and its patrons comply with the relevant United Nations resolutions on Palestine. It is regrettable to note that the key elements of resolution 1860 (2009) remain unfulfilled. The United Nations, and the Security Council in particular, must undertake the necessary measures to ensure the full and effective implementation of that resolution. The continuous defiance and blatant disregard demonstrated by the occupying Power against international law should be addressed by all concerned, including the Security Council and the international community. Effective measures should be taken to oblige the occupier to comply with international law, including the Fourth Geneva Convention, the relevant United Nations resolutions and the Road Map.

It is disturbing to note the recent attacks by Israel against Palestinian worshippers at the Islamic holy sites of Al-Haram Al-Sharif and the Al-Aqsa mosque in occupied East Jerusalem. These attacks are no doubt provocative, considering the volatile situation in the occupied city. We feel that it is necessary to draw attention to the report (A/HRC/12/48) of the United Nations Fact-Finding Mission on the Gaza Conflict, known as the Goldstone report.

Furthermore, the conclusions of the Secretary-General's Board of Enquiry also need serious consideration. According to the report of the Fact-Finding Mission, Israel imposed a blockade and conducted a systematic policy of isolation and

deprivation against the people of the Gaza Strip. The report further says that Israeli military activities were directed at the civilian population of Gaza. As per the recommendations of the Fact-Finding Mission, in this situation it is necessary for the Security Council to adopt appropriate measures to address the acute adversity of the people of Gaza.

Bangladesh firmly believes that a comprehensive and just peace settlement is the key to peace in the Middle East. The relevant United Nations resolutions, the Arab Peace Initiative and the Middle East Road Map can be viewed as the guiding principles in this regard. Moreover, the recommendations of the Fact-Finding Mission need to be taken seriously into account. Bangladesh hopes that all parties involved will take a pragmatic approach to this issue in order to ensure the early implementation of the Road Map for peace in the Middle East. We would not wish to see the global community blamed for and ashamed of not implementing the fair, judicious and humane Road Map for Palestine.

The President: I give the floor to the representative of Malaysia.

Mr. Ali (Malaysia): Let me first of all congratulate you, Sir, on assuming the presidency of this Council and express how pleased we are at seeing you preside over this meeting. We also thank you for convening this meeting and for inviting the larger membership of the United Nations to participate in this open debate on the situation in the Middle East, including the question on Palestine. My delegation also wishes to align itself with the statements made by the representatives of Egypt and Syria on behalf of the Non-Aligned Movement and the Organization of the Islamic Conference, respectively.

The situation in the Middle East, particularly in the occupied Palestinian territory, is perilous and precarious. Urgent, decisive action is needed, particularly by this Council, to stabilize the situation and to restart the peace process, leading to a comprehensive and just solution.

The war unleashed by Israel on Gaza in late December 2008 further exacerbated the situation. It has been almost a year now since the establishment of the fragile ceasefire and since this Council unanimously adopted resolution 1860 (2009), which, among other things, called for free access of humanitarian aid and other essential and commercial supplies, as well as

necessary construction materials to and from Gaza, to alleviate the suffering of the people there. Yet this is far from happening, and nothing has been done to ensure its implementation. The people in Gaza, particularly women, children and the elderly, continue to suffer from Israeli actions to prevent much-needed essentials from reaching them. Does this not warrant any action from this Council to ensure the implementation of its own unanimously adopted resolution?

At the same time, the Board of Inquiry set up by the Secretary-General and the United Nations Fact-Finding Mission on the Gaza Conflict established by the Human Rights Council have found Israel responsible for the death and destruction in Gaza and for material breaches of international human rights and humanitarian law.

We fully support the findings and recommendations of both the Board of Inquiry and the Goldstone report (A/HRC/12/48), especially on the need for full investigation by relevant authorities in pursuing possible charges of war crimes and crimes against humanity. On this note, too, we wonder why the Council has been silent on the Board of Inquiry's report, despite its having been presented to the Council several months ago. Does it not warrant any action from the Council, or is the Council waiting for the Goldstone report to further substantiate the Board of Inquiry's findings?

We are alarmed by the increasing incidents of violence and attacks against Palestinians by Israeli illegal settlers. We are dismayed by the reluctance of the Israeli authorities to prevent such acts, which have further worsened the already volatile situation in the occupied territories, particularly occupied East Jerusalem. We urge the Council to take decisive action to compel Israel to cease all provocative actions, including those aimed at altering the demographic and geographic characteristics and the status of East Jerusalem and the occupied Palestinian territory.

We need to seriously focus our energy and efforts on restoring to the Palestinians their inalienable rights, including their right to an independent State. All parties must act in earnest and with sincerity to attain the objective of a just and lasting solution to the problem in the Middle East. We again urge the Security Council to take the actions necessary to restore peace and stability to the Middle East.

The President: I now call on the representative of Ecuador.

Mr. Morejón (Ecuador) (*spoke in Spanish*): Ecuador reaffirms once again its position on the Middle East conflict: full respect for the norms and principles of international law, in particular with regard to the peaceful settlement of disputes; condemnation of the use or threat of use of force; compliance with international treaties and agreements; and strict compliance with resolutions of the United Nations and its organs. In that connection, we support the resolutions of the Security Council.

My delegation once again condemns the acts of violence in the Middle East, which clearly violate international law and prevent the achievement of a global and comprehensive solution to the Palestinian-Israeli conflict — and, ultimately, the Arab-Israeli conflict — within the framework of the relevant United Nations resolutions and in accordance with the norms and principles of international law.

We also condemn the military operations in the Gaza Strip, which claimed many human lives — particularly among women and children — and caused extensive material damage. In addition to those military actions, the blockade imposed on the Palestinian territories has aggravated the suffering and destruction of a people fighting to achieve a sovereign and independent State. It was precisely those actions that led the President of the Human Rights Council to establish the United Nations Fact-Finding Mission on the Gaza Conflict.

Ecuador notes the recommendations set out in the Goldstone report (A/HRC/12/48) to various United Nations organs, Israel, the competent Palestinian authorities and the international community with respect to accountability for serious violations of international humanitarian law, reparations, serious violations of human rights law, the blockade and reconstruction, the use of weapons and military procedures, the protection of human rights organizations and defenders, and follow-up to the Mission's recommendations. Ecuador also notes with concern Israel's scant support for the Mission of the Human Rights Council, as referred to in the Goldstone report.

Finally, Ecuador joins in the demand of the international community that the conflict be resolved with respect for the right of the Palestinian and Israeli

peoples to live in peace and security as sovereign and independent States within secure and recognized borders. We urge the parties to seek to contribute to the resumption of a dialogue that, through strict and effective compliance with their commitments, may lead to a just, lasting and comprehensive peace.

The President: I now call on the representative of the Islamic Republic of Iran.

Mr. Khazaei (Islamic Republic of Iran): I wish to begin by expressing our sincere thanks to you, Mr. President, for having convened this timely and important meeting. We would also like to express our gratitude to the Permanent Representative of the Libyan Arab Jamahiriya for his proposal that this meeting of the Security Council be held to consider the report of the United Nations Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48). We commend the Non-Aligned Movement, the Organization of the Islamic Conference, the Arab Group and other Member States for supporting Libya's proposal.

Less than a year ago, the military machine of the Israeli occupier regime created an unprecedented, horrific human tragedy in the Gaza Strip, which resulted in the strangulation and slaughter of the innocent and defenceless people of Gaza, especially women and children, for more than 20 consecutive days. The Zionist regime, which knows nothing about respect for humanity and human rights, also targeted each and every human being, house and infrastructure in the Gaza Strip and resorted to unimaginable criminal acts, such as the bombardment of innocent children and women sheltered in buildings declared safe by the United Nations. By committing those barbaric crimes, the Israeli regime once again challenged the credibility of the international community and the civilized world, in particular the United Nations and the Security Council, and undermined the most basic values for which the civilized world stands.

During the Gaza crisis, a majority of Member States were unanimous in calling on the United Nations and the Security Council to take all measures necessary to put an immediate end to the brutal and callous crimes perpetrated by the Israeli regime in Gaza. The Islamic Republic of Iran, together with many other Member States, firmly urged the United Nations, especially the Security Council, to take urgent measures to stop the Israeli attacks, which bore all the

characteristics of collective punishment, crimes against humanity and war crimes.

We supported the resolution adopted by the Human Rights Council calling for, *inter alia*, condemnation of the Israeli regime's military operations in the occupied Palestinian territory, particularly in the Gaza Strip; the immediate cessation of the Israeli regime's military attacks throughout the occupied Palestinian territory, particularly in the Gaza Strip; and the immediate withdrawal of its military forces from the Gaza Strip. Likewise, we strongly supported the Council in its decision to dispatch an urgent independent international Fact-Finding Mission to investigate all violations of international human rights law and international humanitarian law committed by the Israeli occupying Power against the Palestinian people throughout the occupied Palestinian territory, particularly in the Gaza Strip.

As members are aware, in the absence of any effective measure on the part of the Security Council, the Human Rights Council mandated Judge Richard Goldstone to lead a team to investigate those crimes and to report to the Council. Despite the fact that the Goldstone report was issued rather late and reflects only partial and minimal aspects of the various crimes committed by the Israeli regime in Gaza, it contains important recommendations for the Security Council, including, *inter alia*, a request that the Council require the Israeli regime to report to it within six months on the investigations and prosecutions that it should carry out with regard to the violations identified by the Mission.

We strongly echo the voices of wakeful consciences throughout the world, including the majority of Member States, in calling on the United Nations to take decisive action concerning the crimes of the Zionist regime in Gaza, including those described in the Goldstone report. We also believe that the recommendations contained in the report should be considered a valid basis for the prosecution of those Israeli politicians, military commanders, personnel and citizens who were involved in the Gaza massacre.

We should act collectively to demonstrate our unqualified support for the cause of Palestine, on the one hand, and to save the image and the credibility of the United Nations, on the other. We must resolutely combine our strong political will in order to prove to our nations that the Organization never appeases

oppressors and that there can be no impunity for those who have committed war crimes and crimes against humanity.

We must work hard to confront the crimes revealed in the report and prevent the application of double standards in the process of bringing the criminals to justice. There is no doubt that this meeting's response to the report will convey a clear message to various audiences — first, to the international community as a whole, concerning the effectiveness and efficiency of the United Nations system in maintaining international peace and security; secondly, to the perpetrators of crimes such as these, concerning the level of seriousness with which we confront their criminal acts; and thirdly, to the victims of war crimes, who deserve fair and adequate support from competent regional and international organizations.

That being said, it is expected that the Security Council, in line with its responsibility to uphold and protect international peace and security, will take the recommendations of the Goldstone report fully into account. We consider this meeting to be a true test of the Council's credibility and reliability, and sincerely hope to see it move in the right direction. If it does not, we cannot expect the world, especially the victims of the heinous crimes perpetrated in Gaza by the Israeli regime, to keep believing in the United Nations and other international organizations as their best source of support.

I wish to reject the baseless allegations that the representative of the Zionist regime made in her statement against my country this morning. Needless to say, the allegations represent yet another smear campaign by that regime in its vain attempts to divert attention from its own nuclear arsenals, State terrorism and atrocities in the region.

Before concluding, I wish to reiterate the unwavering support of my people and my Government for the Palestinian people in their rightful and legitimate efforts to exercise their right to self-determination.

The President: I now give the floor to the representative of Australia.

Mr. Quinlan (Australia): I thank you, Sir, for the opportunity to speak in this second open debate of your presidency. We very much appreciate the opportunity to contribute to the Council's consideration of such

vital matters in this way. I would also like to thank Under-Secretary-General Pascoe for his briefing, and to welcome the participation in the debate of Foreign Minister Al-Malki.

Many countries today have spoken about the conflict in Gaza and southern Israel in December and January. We spoke in this Council during that conflict, and we were deeply saddened by the tragic events. Australia supports Israel's right to self-defence, and supports it strongly. Rocket attacks must cease.

This does not alter, however, our fundamental concern over the humanitarian situation of the civilians of Gaza before, during and after the conflict. We called on parties during the conflict to avoid actions which caused unnecessary suffering to civilians, and we call on the parties now to act to prevent the continuing humanitarian crisis — a situation that is unacceptable. We call for border controls to be eased. Equally, arms smuggling must stop. During the conflict, Australia said consistently that all parties had to do everything they could, legally and morally, to ensure that civilian casualties were avoided. Australia has also made it clear, at the time and since then, that it supported a proper investigation of any allegations of violations of human rights and international humanitarian law.

It is crucial that such matters be dealt with seriously and carefully. For this reason, Australia again calls on the parties to undertake the proper investigation of the allegations that have been made concerning all violations of human rights and international humanitarian law. We outlined in Geneva on 29 September our preference that consideration of the report of the United Nations Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48) remain within the Human Rights Council to allow the parties time to pursue those investigations.

The ineluctable lesson that must be drawn from the Gaza conflict is that a lasting resolution of the Israel-Palestinian dispute can be brought about only through peaceful means. All efforts to secure a just and enduring peace in the Middle East must be pursued by all of us as a matter of compelling urgency. Australia's long-standing position is that peace between Israel and the Palestinians has to be predicated on a two-State solution, where both Israelis and Palestinians can exist in peace and security within their own defined borders. The parties must honour the agreements they have already entered into, including the Road Map for

peace. Israel must halt settlement activity and work to normalize the day-to-day life of Palestinians. In turn, the Palestinians must continue to dismantle terrorist infrastructure and halt violence and incitement.

We commend the United States efforts and the commitment of President Obama and his team, and we call on the parties to resume negotiations urgently. The ongoing positive engagement of the broader international community, including the Quartet members and the countries of the region, is clearly also essential. As we have said previously, we recognize and value the importance of the Arab Peace Initiative.

In the interests of time, I would draw attention to my distributed remarks and, in conclusion, say that Australia strongly supports the peace process and is contributing to the development of Palestinian institutions as well as providing humanitarian assistance. Since late 2007, we have given more than \$75 million in development and humanitarian assistance and will continue to provide a high level of assistance. We urge all parties to work towards a just and enduring resolution of this terrible conflict, and we stand ready to continue to provide what help we can to support such an outcome.

The President: I now give the floor to the representative of Morocco.

Mr. Loulichki (Morocco) (*spoke in Arabic*): Mr. President, I should like at the outset to convey our gratitude and appreciation to you for convening this open debate on the situation in the Middle East. We thank Under-Secretary-General Pascoe for his briefing on the most recent developments in the region, and welcome Mr. Riad Al-Malki, Foreign Minister of Palestine. We wish to associate ourselves with the statements made by the representatives of Egypt on behalf of the Non-Aligned Movement, of Syria on behalf of the Organization of the Islamic Conference, and of the Sudan on behalf of the Arab Group.

We would like to focus in our statement on the dangerous recent practices in the occupied Palestinian territory and especially the city of Al-Quds, where Israel has continued its illegal policy by confiscating more land in Silwan and other Arab districts through the creation of additional settlements in the Al-Jarrah neighbourhood and the construction of the separation wall that isolates Al-Quds from its natural surroundings. These activities are aimed at Arab

citizens, who are then expelled and whose residency permits are confiscated and homes destroyed.

Excavations are continuing, tunnels are being bored under and around the Al-Aqsa mosque, and Islamic civilization's heritage is being confiscated. These provocative acts, which are ultimately aimed at changing the demographic and legal status of Al-Quds in a systematic and unprecedented way, are all likely to increase tensions in the region and create a new reality on the ground, undermining and indeed hindering any possible progress in the peace process and towards the two-State solution agreed by the international community.

The Kingdom of Morocco, whose sovereign chairs the Al-Quds Committee, has reiterated its unreserved condemnation of the recent violations of the Al-Aqsa mosque and other dangerous practices, which run counter to the values of peaceful coexistence and religious tolerance and constitute a rejection of international resolutions and instruments.

His Majesty the King has drawn the attention of influential international stakeholders to the dangers arising from Israel's illegal practices. He has done so to ensure that these countries fulfil their responsibilities and intervene immediately to put an end to these practices, including the violations of the mosque's esplanade and other holy sites. His Majesty is following developments in the situation closely and is in constant communication with Arab and Islamic leaders.

In the light of the daily suffering of the inhabitants of Jerusalem, the Al-Quds Committee continues to back the resistance there through social projects funded by the Bayt Mal Al-Quds Al-Sharif Agency. To highlight the central importance of the issue of Jerusalem in the context of the wider conflict in the region, on 28 and 29 October the Al-Quds Agency, in partnership with the Arafat institute, will hold a workshop in Morocco on the subject of Jerusalem. It will be sponsored by the King of Morocco, with the participation of eminent academic personalities, religious leaders, non-governmental organizations and representatives of civil society.

Morocco continues to support the Arab Peace Initiative as the definitive path to follow on this matter. In addition to the role it plays in negotiations, the Kingdom of Morocco takes an active part in the efforts of the international community to advance the peace

process. We note with appreciation the intensification of international efforts, and welcome the efforts of the United States Administration to overcome the obstacles to the peace process. We also welcome all other international efforts in this area, including those of the European Union. The Kingdom of Morocco hopes that the recent endeavours of the United States special envoy to the Middle East will lead to a resumption of peace negotiations on the basis of existing agreements between the parties and the Arab Peace Initiative, a realistic initiative that reflects the genuine Arab will to achieve a just and comprehensive solution in the Middle East.

Peace in the Middle East is not the sole responsibility of the parties to the conflict, as the Permanent Representative of Australia affirmed earlier, but an issue that the international community must also address, because stability in the region has an impact on international peace and security. That is why the parties to the conflict must fulfil all their responsibilities, alongside the international community, and seize this historic opportunity to achieve peace in the region.

With the support of the Arab Group and the international community, the Palestinian National Authority has worked to meet its international obligations, acted boldly and made sacrifices, and has fulfilled its commitments to the international community. The Palestinian people should therefore be able to enjoy the fruits of those promises instead of having to watch Israel continue to question and undermine all agreements and terms of reference upon which the peace process is based. International efforts to revitalize the peace process are being stepped up, and in this regard the Kingdom of Morocco hopes that the efforts of the brotherly country of Egypt will lead to unification within Palestinian ranks for the benefit of all sectors of Palestinian society.

We have also learned, with a great deal of satisfaction, of the initiative of the Palestinian National Authority aimed at laying the foundations necessary to fulfilling the dream of the Palestinian people to live in their own independent State, with Jerusalem as its capital, side by side with Israel in peace and security. We hope that this meeting will lead to measures and initiatives that will alleviate the suffering of the Palestinian people and open up new prospects for the continuation of a genuine and comprehensive peace process.

The President: I now give the floor to the representative of Jordan.

Mr. Al-Allaf (Jordan) (*spoke in Arabic*): Allow me at the outset to congratulate you, Mr. President, on your assumption of the presidency of the Security Council this month. We would like to express our appreciation to Mr. Lynn Pascoe, Under-Secretary-General for Political Affairs, for his comprehensive briefing this morning. We would also like to welcome the presence of the Minister for Foreign Affairs of Palestine at this meeting.

Jordan associates itself with the statements made by the representatives of the Sudan, the Syrian Arab Republic and Egypt on behalf the Arab Group, the Organization of the Islamic Conference (OIC) and the Non-Aligned Movement, respectively.

The world is unanimous today on the objective of achieving a two-State solution and establishing comprehensive peace in the Middle East in accordance with the agreed terms of reference, international legitimacy and the Arab Peace Initiative. The Arab countries are also committed to this goal, as demonstrated in the adoption of the Arab Peace Initiative in 2002, its consequent reaffirmation at other Arab summits — the most recent of which was the Doha summit — and its adoption and sponsorship by the OIC. We have also seen the Palestinian National Authority, particularly President Mahmoud Abbas, work tirelessly and continuously in the pursuit of the two-State solution, which would guarantee peace and security for the peoples and States of the region.

In spite of all this, Israel unfortunately remains intransigent and rejects the tireless and sincere efforts being made to create an environment conducive to serious peace negotiations on all tracks, proceeding from the most recent point they had reached. Israel continues its illegal settlement activities in the occupied Arab territories, including East Jerusalem.

We further reiterate that settlements and peace are contradictory and cannot go together. This is particularly true given that settlement activities run counter to international law and international humanitarian law. They undermine any possibility of establishing a viable and independent Palestinian State on Palestinian national soil in the West Bank and the Gaza Strip, with East Jerusalem as its capital, in accordance with the borders of 4 June 1967.

We therefore reaffirm that these settlement activities and their recent frenzied resumption seriously threaten the prospects for peace in the region. Israel also pursues its unilateral, illegal and illegitimate measures in occupied East Jerusalem. We have seen a serious acceleration in the scope and number of these activities, including excavations under and around Muslim and Christian holy sites, particularly around Al-Haram Al-Sharif and its environs, the demolition of homes and the forced displacement of their Arab inhabitants, the consolidation of existing settlements and the establishment of new ones, and frenzied attempts to change the demographic makeup of occupied East Jerusalem and to prevent the administration from doing its work there. The Hashemite Kingdom of Jordan condemns all of Israel's unilateral measures as illegal, illegitimate and in gross violation of its commitments as the occupying Power. They represent a grave obstacle to efforts to relaunch serious negotiations aimed at achieving the two-State solution and a peaceful settlement in the Middle East.

For the Hashemite Kingdom of Jordan, led by His Majesty King Abdullah Bin Al Hussein, the serious Israeli escalation over the past two weeks in terms of many provocative measures carried out at Al-Haram Al-Sharif and the Al-Aqsa mosque, and other violations aimed at altering the legal status of East Jerusalem, represent a red line that cannot be crossed. We wish to highlight the fact that we are intensifying our contacts with all influential actors concerned, particularly the five permanent members of the Security Council and the Secretary-General, with a view to exerting pressure to put an immediate and definitive end to all Israeli aggressions and provocative actions.

Jerusalem has a special status in the hearts and minds of tens of millions of Muslims and Christians throughout the world. Because of that status, Israel's provocative and illegal actions are an explosive element that threatens the very foundations of international peace and security. Therefore, we call on the international community to shoulder its responsibility and take resolute action to put an end to all Israeli aggressions and provocations in the occupied Arab territories, particularly East Jerusalem. We wish to reaffirm that preserving and protecting the holy city of Jerusalem will always be a top priority for Jordan, which will spare no effort in opposing any such

aggression, provocation or threat to either Muslim or Christian holy sites.

The Hashemite Kingdom of Jordan has forcefully condemned the Israeli aggressions committed against unarmed civilians during its latest war in the Gaza Strip. On more than one occasion, including in the statement made by His Excellency the Minister for Foreign Affairs of Jordan to the General Assembly on 26 September 2009, we have welcomed the report of the United Nations Fact-Finding Mission on the Gaza Conflict (A/HRC/12/48), led by Judge Richard Goldstone. We have done so because of our firm conviction that it is important to support the principle of international criminal justice and its application in an objective and non-selective manner, free from politicization. We also supported the request that an emergency session of the Human Rights Council be held tomorrow in Geneva to discuss the Goldstone report.

Furthermore, we wish to call for the lifting of the blockade against the Gaza Strip, whose population is suffering greatly every day and lacks the most basic needs of everyday life. That inhumane blockade must be lifted, and the reconstruction of the Gaza Strip must begin immediately.

We reaffirm our support for the important statement made by His Excellency Mr. Barack Obama, President of the United States of America, to the General Assembly on 23 September 2009. It was unambiguous in setting out the President's vision of a final solution to the problem in accordance with the agreed frameworks, ending the Israeli occupation that began in 1967 and establishing a viable, independent Palestinian State with contiguous territory, living side by side in peace and security with Israel. President Obama's clear reaffirmation that the political framework of negotiations between the Palestinians and the Israelis is the best way to address the final status issues — security for Israelis and Palestinians, borders, refugees and Jerusalem — and his forceful statement that all settler activity is illegitimate show his strong commitment to the two-State solution and comprehensive peace in the Middle East, as well as his resolve to continue his tireless efforts — which began the day he took office — to create an atmosphere conducive to the relaunching of serious and constructive peace negotiations on all tracks aimed at the attainment of that noble objective.

Finding a just and comprehensive solution to the question of Palestine, which is at the heart of the Middle East conflict, would be a key to resolving other conflicts and a guarantee for peace and security in our region, which yearns for peace and stability. These can be achieved only through the two-State solution: an independent, viable and contiguous Palestinian State with Jerusalem as its capital, living side by side in peace and security with Israel.

The President: I now call on the representative of Norway.

Mrs. Juul (Norway): First of all, I wish to add Norway's voice to that of the Middle East Quartet, which last month again called on Israel and the Palestinians to act on their previous agreements and obligations in order to create conditions for the resumption of negotiations in the near term. With the same sense of urgency, I call on the parties to fully engage in resumed negotiations to create a viable Palestinian State on the basis of the 1967 borders. There is a broad and growing recognition that we are nearing a moment of truth. The prospective two-State solution can ill afford one more abortive process.

Furthermore, in view of Norway's role as Chair of the ad hoc liaison committee — the donor group supporting the Palestinian Authority — I must stress the importance of resumed negotiations to our ability to mobilize continued donor support for the Palestinian State-building project. Without forward movement, and without a political endgame clearly in sight, donors will have a hard time justifying support beyond their pledges made in 2007, which are due to expire next year.

Norway chaired a meeting of the committee here in New York on 22 September this year. In spite of the international financial downturn, donors are honouring their pledges, and support for the Palestinian Authority is on a par with expectations for fiscal year 2009. In addition, the World Bank reported 7 per cent growth in the Palestinian economy on the West Bank, which was due in part to Israel's easing of restrictions and in part to the Authority's reform and security initiatives. If expanded and sustained, those developments will ease the humanitarian suffering and underpin peace efforts.

But let me be clear: the objective of the committee is to support the quest for a two-State solution, whereby the Israeli occupation is replaced by a free and sovereign Palestinian State living side by

side with Israel in peace and security. The willingness of donors to maintain high levels of support is a strong message to the parties to engage in meaningful and dedicated negotiations to bring the peace process to its rightful conclusion.

The United Nations Fact-Finding Mission on the Gaza Conflict raises allegations of a most serious nature. It alleges that both Israel and Palestinian groups may have been responsible for grave violations of international humanitarian and human rights law.

We believe that the report should first be studied by the United Nations Human Rights Council, as that Council initiated the Fact-Finding Mission. The Human Rights Council is addressing the report this week. As a member of that Council, Norway will work toward achieving broad support for a balanced resolution ensuring appropriate follow-up of the report and its recommendations.

The parties to the conflict bear the most immediate responsibility to investigate and prosecute possible violations committed by forces under their command. This is necessary, *inter alia*, to prevent impunity. Norway is deeply concerned regarding issues of the protection of vulnerable groups in armed conflict in the Middle East and throughout the world. The role of humanitarian agencies is under threat, as are increasingly their workers themselves. The need to work towards the full development of international humanitarian law is a significant legacy of the violent century we have put behind us. International humanitarian law needs to be protected, defended and expanded.

The President: I now give the floor to the representative of the Maldives.

Mr. Mohamed (Maldives): The Maldives strongly supports the right of the Palestinian people to freely determine their own political and economic system, including the right to resist forcible deprivation of their right to self-determination and their right to live in peace and freedom in their own State. We also support the inalienable right of the people of Israel to live in peace and security. Perhaps the greatest tragedy of the Gaza conflict is that, although fought to assert these rights, it in fact pushes them further away.

The Maldives believes that the report of the Fact-Finding Mission led by Justice Goldstone is detailed

and thorough. We sincerely regret Israel's decision not to cooperate with the Mission.

That said, a few things are clear: The blockade amounts to collective punishment intentionally inflicted by the Government of Israel on the people of the Gaza Strip. As such, the blockade violates international law and should be immediately lifted. The launching of rockets by Palestinian armed groups into Israeli civilian areas constitutes a grave violation of humanitarian and human rights law. The Israeli military incursion into Gaza in response to those rocket attacks was massively disproportionate, and the destruction of houses, factories, schools and hospitals and the large number of civilian casualties demonstrate, at best, a blatant disregard for the fundamental principle of distinction.

The Maldives believes that the clear and manifest violations of human rights and humanitarian law that have occurred in Gaza warrant careful and verifiable scrutiny. Accountability must be established and justice pursued. The Maldives therefore supports the recommendation, contained in the report, that all alleged violations by both sides in the conflict be independently investigated and that those investigations together with any subsequent prosecutions be monitored by the Security Council.

The President: I now give the floor to the representative of Sri Lanka.

Mr. Kohona (Sri Lanka): I thank the President of the Security Council for giving us the opportunity to once again focus on the situation in the Middle East, particularly the Palestinian question, a question that has occupied the attention of this Council time and again. Sri Lanka has consistently supported a peaceful settlement to the Palestinian issue and called for the implementation of General Assembly resolutions regarding the inalienable rights of the Palestinian people to statehood and the realization of the two-State solution. Our sincere wish is that Israel, Palestine and their neighbours in the region coexist in peace and security. As a country that has suffered much at the hands of unbridled violence unleashed by terrorism, Sri Lanka knows only too well the human and material cost of such violence, which can impede political solutions. We have consistently endorsed the two-State solution to the problem. A peaceful Middle East is our wish for the people of the region.

My Government, it may be recalled, expressed its deep anguish and concern over the developments that took place in Gaza late last year and in the early part of this year — developments that led to the loss of civilian life, an increase of tensions in the region and unnecessary suffering among civilians. Sri Lanka is fully aware, through its own experience, of the need to provide for and supply civilians affected by conflict owing to terrorist violence. At that time, my Government called upon all parties to end military action and violence immediately and ensure a climate conducive to finding a way forward towards a two-State solution, which all parties concerned, including Israel and Palestine, agree is the only possible lasting solution. In spite of those unfortunate circumstances earlier this year, my Government was pleased to note the several important developments on the ground since then and the continued international efforts to create the conditions for the early resumption of negotiations by the two sides. Those gave us reason to renew our hope for a peaceful solution.

It is our sincere hope that the issues before the Council today will be addressed in a just and equitable manner that will not obstruct the search for peace. I believe that we will have further opportunity to discuss these issues at the forthcoming sessions of the Human Rights Council. We believe that at this time the unity of the Palestinian people is of utmost importance and that they will unite in pursuit of their aspirations.

Sri Lanka wishes to reiterate its support for the Palestinians' quest for their legitimate, human and national rights. The Government and the people of Sri Lanka would like to reassure them of our continued support and solidarity.

The President: I now give the floor to the representative of the Bolivarian Republic of Venezuela.

Mr. Valero Briceño (Venezuela) (*spoke in Spanish*): Mr. President, we wish to express our satisfaction with your direction of the presidency of the Security Council, and to commend you for having moved this debate on the situation in the Middle East including the question of Palestine forward. Your decision is a clear and accurate interpretation of the concern that a considerable majority of this Organization has about Israel's systematic disregard, as a State policy, for the resolutions of this body, the General Assembly and the Human Rights Council

regarding the Middle East and the situation in Palestine.

The Permanent Mission of the Bolivarian Republic of Venezuela to the United Nations associates itself with the statement made today on behalf of the Non-Aligned Movement delivered by the Permanent Mission of Egypt.

The matter of the Middle East, including the question of Palestine, has been of the greatest importance to this Council. The creation of the United Nations Truce Supervision Organization by the Security Council in 1948 led to the first peacekeeping operation, charged with verifying the ceasefire in the Middle East. Since 1947 numerous resolutions have been adopted by the United Nations on the matter of Palestine and the situation in the Middle East, from the controversial General Assembly resolution 181 (II) on the partition of Palestine to Council resolution 1860 (2009) adopted this year.

Absolutely none of these have been honoured by the Government of Israel. Several decades have borne witness to the continual military aggression of the Government of Israel, which has increasingly violated international law, and in particular international humanitarian law, in its practices against the peoples and Governments of the region of the Middle East.

In January 2009, given the inaction of the Security Council, the General Assembly and the Human Rights Council acted to impede — or at least mitigate — the brutal aggression launched against the people of Palestine in the Gaza strip. In this context, the results obtained by the Human Rights Council in the wake of its resolution (A/HRC/S-9/1), which spoke to the grave situation in Gaza, merit particular endorsement. The Fact-Finding Mission charged with investigating those events has now produced its report (A/HRC/12/48), the content of which, in the opinion of Venezuela, demands the support of the entire international community.

In its conclusions and recommendations, the report underscores the need for effective accountability. In addition, according to the report, there is important evidence showing clearly that during the military operation of 27 December 2008 through 18 January 2009 there were "serious violations of international humanitarian law", as well as blatant violations of human rights made worse by the blockade to which the population of Gaza was subjected in the months before Operation Cast Lead was launched.

Among the violations, which the entire world witnessed and which have been disseminated by the media to every corner of the Earth, were arbitrary and abusive detentions, recurrent torture, ill treatment, extrajudicial killings, forced expulsion, the demolition of homes, and a brutal, unmitigated broadening of settlement activity. These unquestionably abominable actions were undertaken with total impunity.

Impunity is the most important issue we must address in this meeting. The conclusions of the impartial and thorough investigation are unequivocal as to the grave responsibility of the Israeli Government for the abominable events cited. The report of the independent Fact-Finding Mission also indicates that

"there are serious doubts about the willingness of Israel to carry out genuine investigations in an impartial, independent, prompt and effective way as required by international law. The Mission is also of the view that the system presents inherently discriminatory features that make the pursuit of justice for Palestinian victims extremely difficult". (A/HRC/12/48, para. 1961)

It is important to note that the International Criminal Court, under the Rome Statute, plays an important role in the quest for achieving justice and the prevention of flagrant violations of international law. The Rome Statute clearly codifies crimes within the jurisdiction of the Court: genocide, the crime of aggression, crimes against humanity and war crimes. My country sees evidence of such crimes reflected in the reports of the Human Rights Council.

The Security Council is obligated to assess Israel's non-compliance with the Council's resolutions concerning peace and security in the Middle East. The United Nations Charter confers on this body the authority to do so. That includes the authority to determine whether, in its judgment, a State is willing to honour its obligations under the Charter. It can make recommendations to the General Assembly in that regard.

The Security Council faces a dilemma that must be resolved. Should the Council gather further proof in the case concerning aggression against the people of

the Middle East and Palestine, or should it shoulder the responsibility that is incumbent upon it? The Government of Israel has long acted outside the principles of the United Nations and international justice, and we cannot wait while the new, reprehensible concept known as natural growth — that is, natural extermination — is allowed to develop with impunity. International law forbids Israel from invoking conquest and colonization; it certainly cannot be allowed to pursue such practices in the name of so-called natural growth or, rather, natural extermination.

Israel has no excuse for expelling the Palestinians, a dignified people with thousands of years of history, from their own lands, or for its ongoing aggression against them, its frequent indiscriminate bombing of Lebanon and its occupation of Golan. These constitute flagrant, clear and unconcealable violations of the principles of international law, in particular international humanitarian law, without parallel, in their constancy and brutality, in modern history.

The Government of the Bolivarian Republic of Venezuela, with President Hugo Chávez at its helm, has been emphatic in its rejection of the historic aggression of the Government of Israel against the nations of the Middle East and Palestine in particular. We endorse the demands of those peoples and the peoples of the world to be allowed to live in peace, and we call on the international community not to permit jurisprudence to grant legitimacy to the military conquest of any territory.

In conclusion, Venezuela will continue to suspend its diplomatic relations with the Government of Israel, which were broken off by my Government as a result of the criminal attacks on the Palestinian people and the Gaza Strip. My Government is unwilling to resume diplomatic relations until the inhumane treatment of the Palestinians comes to a definitive end.

The President: There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 6:30 p.m.



Security Council

Sixty-fourth year

Provisional

6202nd meeting

Thursday, 15 October 2009, 3.40 p.m.
New York

<i>President:</i>	Mr. Le Luong Minh	(Viet Nam)
<i>Members:</i>	Austria	Mr. Kyrle
	Burkina Faso	Mr. Koudougou
	China	Mr. Liu Zhenmin
	Costa Rica	Mr. Urbina
	Croatia	Mr. Viločić
	France	Mr. Araud
	Japan	Mr. Takasu
	Libyan Arab Jamahiriya	Mr. Dabbashi
	Mexico	Mr. Heller
	Russian Federation	Mr. Churkin
	Turkey	Mr. Apakan
	Uganda	Mr. Rugunda
	United Kingdom of Great Britain and Northern Ireland	Mr. Parham
	United States of America	Ms. DiCarlo

Agenda

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999)
and 1244 (1999)

Report of the Secretary-General on the United Nations Interim Administration
Mission in Kosovo (S/2009/497)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506.



The meeting was called to order at 3.45 p.m.

Adoption of the agenda

The agenda was adopted.

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2009/497)

The President: I should like to inform the Council that I have received a letter dated from the representative of Serbia in which he request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Jeremić (Serbia) took a seat at the Council table.

The President: On behalf of the Council, I extend a warm welcome to His Excellency Mr. Vuk Jeremić, Minister for Foreign Affairs of Serbia. I should like to acknowledge the presence at the Council table of the Vice Federal Minister for European and International Affairs of Austria, His Excellency Mr. Johannes Kyrle. On behalf of the Council, I extend a warm welcome to him.

In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Lamberto Zannier, Special Representative of the Secretary-General and Head of the United Nations Interim Administration Mission in Kosovo.

It is so decided.

I invite the Special Representative of the Secretary-General and Head of the United Nations Interim Administration Mission in Kosovo to take a seat at the Council table.

In accordance with the understanding reached in the Council's prior consultations, I shall take it that the

Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Skender Hyseni.

It is so decided.

I invite Mr. Hyseni to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations. Members have before them document S/2009/497, which contains the report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo. At this meeting, the Security Council will hear a briefing by Mr. Lamberto Zannier, to whom I now give the floor.

Mr. Zannier: The report you have before you today (S/2009/497) details the activities of the United Nations Interim Administration Mission in Kosovo (UNMIK) from 1 June to 15 September 2009. The period following the conclusion of the Mission's reconfiguration on 30 June has been one of consolidation and readjustment for UNMIK, reflecting the evolving realities on the ground. UNMIK has now become a more compact and more politically focused mission within the remit of its mandate under Security Council 1244 (1999).

As this Council is aware, political realities have substantially affected the implementation of UNMIK's administrative role. Consequently, the Mission has concentrated its efforts on crucial tasks that we are well suited to perform: addressing the concerns of minority communities in order to foster confidence; promoting dialogue in order to foster reconciliation; and addressing external relations issues with non-recognizing States, including facilitating Kosovo's participation in regional and international processes, in order to foster economic development and regional cooperation. Our guiding principle is to ensure Kosovo's lasting security and stability and the security and stability of the region.

Although conditions remained generally stable during this period, the situation in northern Kosovo remains an issue of concern, with the potential to destabilize other parts of Kosovo if not kept in check. In this regard, I am pleased to report that UNMIK's presence and efforts, together with those of the Kosovo

Force (KFOR), the European Union Rule of Law Mission (EULEX) and the Organization for Security and Cooperation in Europe (OSCE), have so far contributed to preserving a fragile stability. Notably, in August, when the situation threatened to get out of hand, UNMIK helped the parties in the northern Mitrovica suburb of Kroi i Vitakut/Brđjani to reach a compromise on the issue of reconstruction of Kosovo Albanian houses damaged in the conflict, and construction of new Kosovo Serb houses. Over the summer, I visited Mitrovica twice to meet with local leaders and emphasized that returns should not be politicized, but should be the result of a balanced and properly regulated process that does not create new tensions and resentments.

In spite of a modest increase in the overall numbers, returns remain far below the level we would hope to see. We know that displaced families from all communities wish to reclaim their lost lives and begin anew, and I believe the United Nations can play an even more active role in supporting them. I have therefore tasked our Office of Community Support and Facilitation to work closely with the Office of the United Nations High Commissioner for Refugees (UNHCR) and develop contacts with Belgrade in order to further returns. Priština authorities insist that they are committed to a multiethnic Kosovo and I encourage them to develop incentives for sustainable returns and address security concerns relating to internally displaced persons (IDPs). And they can count on UNMIK's support and assistance.

In that regard, I have met with local authorities and the Kosovo Roma, Ashkali and Egyptian (RAE) leadership in Mitrovica on the long pending issue of the RAE IDP camps located there. To support the plans of the Kosovo institutions to address the issue, I have established a Coordination Group, which I am chairing, composed of UNMIK experts and the United Nations Kosovo Team, with the participation of the European Commission Liaison Office. Our aim is to speed up the closure of the camps and ensure the sustainable relocation of their residents.

The Kosovo political landscape is currently dominated by decentralization and the upcoming municipal elections scheduled for 15 November. Kosovo Serb views on these two issues range from outright rejection to engagement. Since the Secretary-General's report before you was drafted, the Kosovo authorities have decided that, as part of their

decentralization programme, four new municipalities with Kosovo Serb majorities are to be established following these municipal elections. These elections will be the first organized by the Kosovo institutions since the declaration of independence in February 2008.

While there has been little, if any, support for decentralization or the 15 November vote among the Kosovo Serb leaders in the three northern municipalities, a number of Kosovo Serb community leaders south of the Ibar River have openly called for participation in the upcoming elections. Putting status considerations aside, I personally believe that greater participation in Kosovo's local structures could benefit all of Kosovo's communities and foster the development of multi-ethnic local institutions, leading to stronger protection of minority rights and encouraging returns.

In this regard, the return of Kosovo Serbs to their posts within the Kosovo Police Service has been a welcome development, reinforcing the multi-ethnicity of and promoting community confidence in the police. I am disappointed, however, that efforts to develop cooperation in other practical areas between Pristina and Belgrade have been less successful. Kosovo authorities have distanced themselves from an agreement on police cooperation between EULEX and the Serbian Interior Ministry. I therefore urge pragmatism and compromise so that fully functioning multi-ethnic courts and customs points in northern Kosovo can be re-established and life for all of Kosovo's communities normalized.

In particular, cooperation in the important area of cultural heritage has been greatly reduced since Kosovo's declaration of independence. UNMIK stands ready to play a role with Belgrade, Pristina and the European Union to help protect and preserve the cultural heritage of Kosovo and the patrimony of the Serbian Orthodox Church there.

Similarly, both Belgrade and Pristina need to work harder so that the technical dialogue working group on missing persons, chaired by the International Committee of the Red Cross, can meet the expectations of the families whose loved ones are still missing. Ten years after the conflict, the bodily remains of more than 3,000 individuals have been identified and returned to their families, but the fate of 1,885 missing persons is still unknown. People with knowledge of the facts need to heed the repeated calls to come forward

and divulge this information so that families can achieve closure and Kosovo's communities can continue the process of reconciliation. In this regard, I also urge the international community to ensure that there are sufficient resources available to continue this important work.

In a broader context, I am pleased that UNMIK's facilitation has enabled Kosovo's participation in important international and regional forums and processes, which would not otherwise have been possible. Resolution 1244 (1999) requires Kosovo's representation under the United Nations banner. It is clear that the Kosovo authorities would prefer to participate on their own, without UNMIK having to facilitate their presence. On the other hand, there are significant benefits accruing to Kosovo by participation, without prejudice to their stand on status and in line with our own status-neutral stance. Accordingly, UNMIK does not attend without the participation of the representatives of Kosovo's institutions, nor does it speak on their behalf.

The last time I addressed this Council, I noted that the Kosovo and Serbian authorities alike were increasingly concerned as to how their actions might influence the International Court of Justice's advisory opinion on the legality of Kosovo's declaration of independence. Actions by Pristina and Belgrade continue to be aimed at bolstering their respective legal positions before the Court. As a consequence, our role, although aimed at promoting pragmatic solutions to existing problems, has not been an easy one to play. For instance, most recently, the Kosovo Ministry of Justice has announced that it is taking over the processing of international legal assistance requests involving non-recognizing countries and institutions, a task being performed by UNMIK as part of our own facilitation efforts.

In fact, UNMIK is inextricably caught between the differing perceptions of Belgrade and Pristina. While Belgrade expects a robust UNMIK role, the Pristina authorities believe that UNMIK's job is done, although I detect some acknowledgement that there are areas where we can usefully work together, and UNMIK continues to enjoy cooperation at the working level with representatives of the Kosovo institutions in many relevant areas.

Nevertheless, not having been able to obtain the closure of the Mission, members of the Government in

Pristina have avoided any official contact with me during the past few months. I am pleased to report, therefore, that immediately prior to my departure for New York, I was invited by President Sejdiu for a long and cordial meeting. I was encouraged by this contact and hope that it will continue.

Kosovo continues to present both challenges and opportunities for UNMIK. UNMIK aims to help restore full normality in Kosovo so that all of its people may have better lives in a stable and peaceful region. While that goal is ambitious, I am convinced that, together with Pristina and Belgrade and our international partners, as well as with the support of this Council, UNMIK can meet it.

The President: I thank Mr. Zannier for his briefing.

I now give the floor to His Excellency Mr. Vuk Jeremić, Minister for Foreign Affairs of Serbia.

Mr. Jeremić (Serbia): I thank you, Sir, for convening this meeting of the Security Council.

Once again, we are gathered to discuss the situation in the Serbian province of Kosovo. I would like right at the outset to express my country's deep gratitude to the substantial majority of United Nations Member States that respect Serbia's sovereignty and territorial integrity. The expressions of solidarity we have received from all over the globe encourage us to persevere in our efforts to resolve the future status of Kosovo peacefully and in a way that is acceptable to all responsible stakeholders.

Our principled position on our province's future status remains the same. Serbia will never recognize the unilateral declaration of independence by the ethnic Albanian authorities in Pristina on 17 February, 2008. This remains our political, moral and legal obligation. It is also our democratic duty, for our nation is united as one on this fundamental point. The Kosovo case is a significant test for the world community, for there is a choice to be made here between unilateralism and consensus. The unilateral declaration of independence is a challenge that we must work together to overcome, for the sake of peace and stability and in the name of international law.

The General Assembly tasked the International Court of Justice to determine whether the unilateral declaration of independence conforms to international law. The crucial stage in the legal process is just about

to begin. This is the first time in history that the Court will rule on the legality of an attempt at secession by an ethnic group from a United Nations Member State in peacetime. It is also the first time that all five permanent members of this Council will participate in a proceeding before the Court. The total number of actors that will present their views in The Hague is a record for the Court, exceeding even the figure in the cases involving the legality of the use of nuclear weapons. There is therefore little doubt that the Court's conclusions will have overarching consequences for the international legal order.

It is in this context that Serbia appeals to all United Nations Member States to respect the fact that the International Court of Justice is actively considering the issue of the unilateral declaration of independence. It is our shared duty to ensure that the Court's deliberations are not prejudged. The Court's proceedings should be allowed to run their course, unhindered by political pressures, such as further recognitions of Kosovo's unilateral declaration of independence.

I would like to welcome the presence of Special Representative Lamberto Zannier, and wish to underline the Secretary-General's assertion in paragraph 2 of the report before the Council (S/2009/497) that the United Nations Mission in Kosovo (UNMIK) "has successfully concluded its reconfiguration... as at 1 July". It has now reached the end state of its draw-down.

The United Nations remains an indispensable actor in Kosovo. It is therefore critical that this Council continue to support UNMIK's presence as a crucial pillar of peace and stability. The exercise of UNMIK's external representation function remains especially important. Its role is critical if regional groups, such as the Central European Free Trade Agreement and the Regional Cooperation Council, are to function in accordance with established procedures.

Moreover, the United Nations ability to work effectively with the European Union Rule of Law Mission in Kosovo (EULEX) must remain unconstrained. That is why it is important for the amendments adopted by the General Assembly to the UNMIK budget for the next fiscal year be fully applied and for all vacant positions to be filled as soon as possible.

Serbia strongly believes that disagreements on status must not impede the determination to act together on improving the lives of all the residents in the province. We have proactively worked with all legitimate actors on the ground in Kosovo, while ensuring our constitutional red lines are not crossed.

I am pleased that the report commends Belgrade's policy of constructive engagement by acknowledging our "pragmatic approach" to the resolution of practical issues.

Commitments made in this Chamber should be honoured. What is agreed to and welcomed by the Security Council must be implemented in full — from resolution 1244 (1999) to the Secretary-General's six-point plan, to which I will now turn. I begin with the police, where I wish to highlight two important developments that took place during the reporting period in applying this crucial segment of the Secretary-General's plan.

First, virtually all Kosovo Serb police officers returned to their posts as a direct consequence of our engagement. This has contributed to an improvement in the security situation throughout the province — especially in the Serbian enclaves in the south.

The second important development concerns the signing of the Protocol on Police Cooperation between the Serbian Ministry of the Interior and EULEX. The Protocol is based on the best practices of our longstanding cooperation with UNMIK police forces on these matters. It is entirely status-neutral and fully conforms to resolution 1244 (1999). Its implementation will greatly contribute to the fight against organized crime and terrorism in Kosovo — an area that continues to be the hub of a sinister international network of arms, drugs, and human traffickers.

Regarding the judiciary, despite some constructive preliminary discussions with UNMIK and EULEX, we have regretfully not been able to move forward on issues such as determining the territorial jurisdiction of the District Court in Mitrovica, the appointments of judges and prosecutors designed to reflect the ethnic communities they would serve, and the applicability of UNMIK law. It is our hope that our talks will intensify in the time ahead, for consensual solutions must be found, in accordance with the provisions of the November 2008 report.

On a number of other fronts, cooperation has deepened. For example, special EULEX prosecutors and Serbia's war crimes prosecutors have intensified collaboration on serious cases. These include organ harvesting committed by the Kosovo Liberation Army on ethnic Serb civilians in the well-publicized "yellow house", and the infamous KLA-run jails and liquidation centres in places like Klečka in the Lipljan municipality.

With respect to the delicate matter of customs, we have also achieved some results. Technical cooperation between Belgrade and EULEX has proceeded smoothly, as information is exchanged regularly on topics of mutual concern, such as smuggling. However, progress on the important issue of revenue collection and how it will benefit the relevant communities has been more limited. We hope that, in the months ahead, we can come to workable arrangements with our UNMIK and EULEX partners, within the framework endorsed by this Council in November 2008.

Concerning administrative lines and security, I would like to acknowledge the useful role played by the International Security Force in Kosovo (KFOR). Serbia will continue to act as its reliable partner, in accordance with resolution 1244 (1999) and the Kumanova Military-Technical Agreement.

KFOR's status-neutral presence in the province is still required in order to protect Kosovo Serb enclaves and our holy sites from threats, incursions and attacks. According to Annex 1 of the report before us this afternoon, a handover of responsibility from KFOR to the Kosovo Police is being envisaged at the Gazimestan Monument in honour of our martyred heroes. Serbia strongly opposes such plans. Gazimestan is hallowed ground for the Serbian nation. KFOR has done an exemplary job in protecting it. It is critically important that they continue to guard it, together with other holy sites.

Concerning transportation and infrastructure, the Serbian Government has worked hard to resolve pressing electrical energy issues. As a result of our active engagement with UNMIK and the OSCE, the disconnection policies that discriminated against the Kosovo Serb community, as highlighted in the report, have been rectified. Consequently, a vast majority of Serbian enclaves and monastic communities in the south have had their power restored.

Yet the critically important issue of facilitating the entry and transport of Serbian officials into the province remains unresolved. It is difficult to imagine how we can positively contribute to developments on the ground, if our ability to work closely with the Kosovo Serb community throughout the province is hindered. We must find a way to overcome this obstacle in a status-neutral manner, consistent with resolution 1244 (1999).

Regarding Serbian patrimony — the last of the six points — we salute UNMIK's efforts to "achieve durable solutions for the protection of Serbian cultural heritage in Kosovo," (S/2009/497, para. 9), as well as its good-faith attempts to work with other legitimate stakeholders in this sensitive field.

The Serbian Government and the Serbian Orthodox Church have fully supported the renewal and restoration of our holy sites, conducted under the auspices of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Reconstruction Implementation Commission chaired by the Council of Europe.

Unfortunately, the precarious state of Serbian patrimony remains a deeply troubling part of the reality on the ground in Kosovo. For instance, local officials in the town of Dečani continue to defy the international community. They have repeatedly refused to restore the cadastral record of land belonging to the monastery of Visoki Dečani — a UNESCO World Heritage Site that has been placed on its List of World Heritage in Danger.

Judges have been intimidated in connection with this case, while a public disinformation campaign orchestrated by KLA War Veterans Association claimed that the monastery represents centuries-old Albanian cultural heritage that was taken over by the Serbs in the 19th century. It is deeply regrettable that no one from Priština has chosen to condemn such dangerous distortions, and set the record straight once and for all.

In August of this year, the whole-scale pillaging of the largest medieval hermitage complex in the mountains above our ancient capital of Prizren took place. This unique and now abandoned monastic centre was built by the Serbian ascetic Saint Peter of Korisha, and dates back to the early decades of the 13th century. Frescos were damaged and altars were vandalized. In one of the pictures taken at the scene, we see carved into a wall the acronym "UCK" — meaning the Kosovo Liberation Army.

The extent of the material damage is still being documented. What is beyond dispute is that the perpetrators have succeeded in debasing our faith and destroying yet another part of our patrimony. Unfortunately, the authorities claim they have no leads, and no arrests have been made.

Ethnic Albanian authorities are still refusing to reconsider the outrageous decision to pave over with concrete the remains of the twice-destroyed Serbian church in the centre of Dakovica — thus compounding physical destruction with the attempt to erase every trace of its existence.

This is the third time I raise the issue in this Chamber. Is it possible that the international community is powerless to get this awful deed reversed? Do we have the will to undo this act of cultural cleansing? Once again, we ask for your help.

It is our assessment that our UNMIK and EULEX partners share our determination to constructively engage in overcoming these challenges. Let me underline the great importance of our common status-neutral approach for moving forward on a whole host of concrete matters. We invested great efforts in building up this solid basis for our cooperation.

Regretfully, Kosovo's ethnic Albanian authorities have not demonstrated enthusiasm to embrace the status-neutral framework for dealing with unresolved practical issues. We believe this reticence does no one any good. All parties have their constraints. But these must not harm those who matter the most, the residents of the province.

Last time we met, I called on everyone to concentrate on improving the lives of citizens, instead of making them the victims of our disagreements. I proposed that we focus on the central humanitarian issue of internally displaced persons (IDPs). The report before us speaks of the upsetting consequences of a failure to engage on this issue in good faith. A total of only 31 of the more than 200,000 Kosovo Serb IDPs were able to return to the province during the reporting period, out of the thousands that expressed a concrete interest in doing so in the weeks following our most recent meeting in this Council. Serb IDPs have been informed in writing by various local authorities that they cannot come back home. This must not be allowed to stand.

The denial of the right of return to Kosovo Serb IDPs took place against the backdrop of tensions in the northern village of Brdjeni. The ethnic Albanian authorities insisted on going ahead with the construction of new, unauthorized settlements. Breaking their agreement with EULEX, they dispatched a special operations police unit, called the Regional Operational Support Unit, to support the illegal construction of Kosovo Albanian dwellings in Brdjeni, only to pull it back at the last minute under intense pressure from the international community. In short, while Pristina insists that ethnic Albanians settle in new areas, their local authorities actively prevent Kosovo Serb IDPs from going back to their homes in the south.

As the report indicates, Pristina called for some local elections to be held on 15 November. Unfortunately, the legitimacy of the entire electoral process has been compromised by the failure to hold them within the status-neutral framework of resolution 1244 (1999). According to the report before us (S/2009/497), the Special Representative of the Secretary-General did not call them, the OSCE will not monitor them and the United Nations cannot certify them. Under such circumstances, it is simply impossible for us to support them.

The situation is deeply regrettable. An opportunity was missed to de-politicize this vitally important issue. Had a choice been made to work in concert instead of at cross-purposes, perhaps we could have paved the way for a properly incentivized Kosovo Serb community to actively participate in this process.

It is now imperative that we focus our energies on finding a way forward. As has always been the case, we remain in favour of establishing a system of functional decentralization acceptable to the non-Albanian communities directly concerned. We stand ready to engage through a status-neutral organization — the OSCE, for example — to create a legitimate decentralization package designed to succeed.

In a few days, the Republic of Serbia will celebrate the sixty-fifth anniversary of the liberation of our capital from the fascists. That liberation marked the end of a brutal occupation that had forcefully partitioned our country among the Axis countries and their collaborators and brought profound misery to our people. A great number of valiant men and women lost

their lives in that triumph over evil. Their heroism will always be remembered. Thanks to their sacrifice, our nation stood up proudly again.

They set in motion what has come to pass now, decades later: the embrace of interdependence and the conviction that only by working together, in good faith, can we overcome the traumatic consequences of the past. My responsibility is to act in the interest of my people and my country, and in the twenty-first century, national success cannot come about in isolation. That is why Serbia will continue to engage in the best possible faith with the international community in addressing all outstanding challenges in the Western Balkans. Furthermore, we remain fundamentally as committed to defending our territorial integrity in a peaceful manner, as we are to fulfilling our European destiny. Serbia's central strategic priority remains full European Union membership.

During the recent general debate, a great world leader said that we are called upon by our times to unite as one and work together for mutual benefit and progress of a win-win nature, like passengers in the same boat.

It is a call that we wholeheartedly support. Serbia is dedicated to resolving all differences at the negotiating table, not the battlefield. Enough bullets have been fired in the Western Balkans. Never again should we descend into the maelstrom of war.

Today we have an obligation to foster engagement grounded in mutual respect. This will not be easy, for the wounds have not yet healed. But if we take up the challenge of reconciliation and find the courage to act together, then it will be said of this generation that when the need was great and when the odds seemed against us, we did the right thing and brought lasting peace to our lands, so that our children could live out their dreams.

I thank you, Sir, for allowing me to address the Council today.

The President: I thank Minister Jeremić for his statement.

I now give the floor to Mr. Skender Hyseni.

Mr. Hyseni: Allow me to first express my deep appreciation for the opportunity to brief the members of the Council on the situation in Kosovo, namely on the continued accomplishments and steady progress

that the Republic of Kosovo has been making in all areas.

Since my most recent statement to the Council, in June, significant progress has been made in the area of state institution-building on the basis of our new democratic Constitution and the provisions contained in the comprehensive plan of Nobel Peace Prize winner Marti Ahtisaari. Two more nations have recognized Kosovo as an independent and sovereign State — the Hashemite Kingdom of Jordan and the Dominican Republic. We would like to extend our deepest appreciation for the recognition of our statehood to the peoples and Governments of Jordan and the Dominican Republic.

On 29 June 2009, the Republic of Kosovo formally signed the articles of agreement of membership with the International Monetary Fund and the World Bank. Membership in those two very important financial institutions has further encouraged the Government of the Republic of Kosovo to intensify efforts to fight crime and corruption.

This has also conferred additional responsibilities on the Government of the Republic of Kosovo and reinforced the need to further strengthen the rule of law and maintain macroeconomic stability through fiscal and budgetary discipline. The Government of Kosovo has continued to address and resolve many issues relating to the economy, justice and security and safety throughout Kosovo.

The well-being of minority communities and the return of Kosovo refugees to their homes and properties is a standing priority and the process of returns is ongoing, with Government funds allocated for the reconstruction of houses for returnees. Improvement of conditions in the minority community areas, in particular in the Serb majority areas, is an issue the Government of the Republic of Kosovo is paying close attention to, and progress is obvious.

There is, however, obstructive interference by the Republic of Serbia in our efforts to improve the living conditions of the Serb citizens of Kosovo. As Belgrade has continued to support parallel structures in the north, the Government of the Republic of Serbia has been working actively to discourage and prevent the members of the Serb community in Kosovo from working and integrating with the rest of Kosovo's population. Instead, the members of the Serb community in Kosovo are under permanent pressure

from Belgrade, with clear instructions to boycott the institutions of Kosovo and any cooperation with both the central and local authorities. Unfortunately, it is the members of the Serb community in Kosovo who suffer most as a result of that approach and mentality.

While the institutions of Kosovo seek to protect the rights and improve the lives of the members of the Serb community, the Government in Belgrade has been exploiting and confusing them with calls to reject integration and cooperation with Kosovo's institutions. At the same time, Belgrade has failed to offer any assistance or solution to the problems and concerns of the Serb community in Kosovo.

The situation in the North remains an issue of concern. However, there has been clear improvement in overall conditions with the deployment of the European Union Rule of Law Mission in Kosovo (EULEX), in particular with its becoming fully functional and operational. As EULEX has already achieved full operational capability, I wish to underline that the Government of the Republic of Kosovo remains deeply committed to cooperating closely with that Mission to combat crime and corruption, as well as illicit and criminal cross-border activities.

Nevertheless, I am very happy to report to the Council today that the overall security situation in the Republic of Kosovo is very calm and stable. The electoral campaign for municipal elections was launched today. As the Council knows, the Government of the Republic of Kosovo is now fully in charge of organizing elections. New elections for Kosovo's municipalities are due to take place on 15 November. Those will be the first elections following Kosovo's independence. Kosovo's Central Election Commission is fully responsible for conducting electoral operations. Comprehensive preparations have taken place to make sure that the upcoming municipal elections are successful and in full compliance with set standards. With more than 70 political entities having been duly certified to participate in the elections, we are confident that this will be another democratic, free and fair election in the Republic of Kosovo.

The institutions and the Government have been working hard to create all the conditions for a successful electoral process in the newly established Serb majority municipalities as well. We look forward to sizable and substantial participation by the Serb community in the November elections, as we believe it

to be the most effective way to enable Kosovo Serbs to duly participate in the conduct of public affairs. In their outreach activities, both President of the Republic Fatmir Sejdiu and Prime Minister Thaçi have urged and encouraged Kosovo Serbs to participate in the elections. Regrettably, as we have heard today, there are clear indications that the Government of the Republic of Serbia has been doing quite the opposite, calling on Kosovo Serbs to boycott the elections.

Cooperation and the further strengthening of relations with neighbours, as well as regional cooperation in general, have continued to be a priority of the Government of Kosovo. I am very pleased to report to the Council that the maps and the agreement on the physical demarcation of the border line with the Republic of Macedonia have now been initialled. The signing ceremony for the agreement between the Republic of Kosovo and the Republic of Macedonia will take place very soon.

The participation of the Republic of Kosovo in regional trade and cooperation is critical to fostering and further strengthening bilateral and regional relations and understanding in the Western Balkans. Again, unfortunately, Belgrade has continued to impede our cooperation with neighbours and the international community by blocking our participation in regional and wider international bodies. Belgrade is also blocking Kosovo's exports to Serbia. Once again, I emphasize that Kosovo's Government has refrained from taking reciprocal measures, as we are confident that they would only hurt both people and businesses on both sides of the border.

The establishment of an atmosphere of cooperation and understanding in our region is critical, as all seven nations of the Western Balkans share the same European future. The Republic of Kosovo is firmly committed to pursuing the goal of European Union (EU) membership steadily, and welcomes the specific requirements and recommendations of the European Commission to Kosovo contained in the 2009 progress report. The Government of Kosovo will be working around the clock to deliver on all EU requirements.

The Republic of Kosovo appreciates the European Union's support for the economic and political development of Kosovo through a clear European perspective that is fully in line with the same perspective of the rest of the Western Balkans region.

In achieving our short-term, mid-term and long-term objectives, the Republic of Kosovo, its institutions and the people of my country will continue to cooperate closely with the EU, the United States, NATO and our neighbours and region.

In conclusion, as always I wish to thank the President and the members of the Council for the opportunity to present Kosovo's views. We look forward to working very closely with all the Members of the United Nations and of the Council as we promote shared goals of international peace and security.

Mr. Kyrle (Austria): I would like to welcome Mr. Vuk Jeremić, Foreign Minister of Serbia, and to thank him for his statement. Let me equally welcome Mr. Skender Hyseni, Foreign Minister of Kosovo, and thank him for his statement. Moreover, let me express our deep appreciation for the work and leadership of Mr. Lamberto Zannier, Special Representative of the Secretary-General, and for his important contribution to a gradual improvement of the situation in Kosovo.

I would also like to express our gratitude to the Secretary-General for his comprehensive report (S/2009/497) on recent developments in Kosovo. We particularly welcome the successful completion of the reconfiguration of the United Nations Interim Administration Mission in Kosovo (UNMIK), as well as the Mission's ongoing efforts to facilitate practical cooperation between communities and between authorities in Pristina and Belgrade, thereby promoting security and stability in Kosovo.

We are very pleased with the good cooperation between the European Union (EU) and the United Nations on Kosovo. The EU remains committed to playing a leading role, and the European Union Rule of Law Mission in Kosovo (EULEX) will proceed with the consolidation of the rule of law Kosovo-wide. We are encouraged by the achievements of EULEX throughout the entire country, including the successful reintegration of Kosovo Serb police officers, police operations and trials under the executive mandate of EULEX, as well as the enhanced presence in the North in the absence of full customs controls.

A lot remains to be done. We will need increased efforts by all sides to combat organized crime as a matter of priority. Close cooperation with EULEX by both Serbia and Kosovo will be crucial in order for the Mission's efforts to bear fruit. We are particularly

concerned about the recent attacks on EULEX staff and property and call on everyone to refrain from such irresponsible actions.

Austria fully supports the work of EULEX and welcomes the plans to strengthen the EU presence in the North of Kosovo through the establishment of an EU house by the end of the year. Austria is currently providing EULEX with 23 experts in the police and judiciary fields. Furthermore, we will also continue to contribute to the Kosovo Force by providing more than 600 soldiers.

We commend the progress achieved by Kosovo in recent months. To date, 62 States have recognized Kosovo. The country's accession to membership of the World Bank and the International Monetary Fund will be essential to its economic development and will thus contribute to overall stability in the Western Balkans. We do note, however, that despite relative stability in recent months, ethnic tensions and incidents of violence, especially in the North, continue to have destabilizing potential.

We are encouraged to learn that at this stage, 23 Kosovo Serb political entities have already applied for participation in the 15 November elections. However, we are concerned about the continued existence of parallel structures in the three Kosovo Serb-majority municipalities in the North of Kosovo and their refusal to recognize the upcoming municipal elections, as well as about the holding of separate municipal by-elections in two Kosovo Serb-majority areas by Belgrade authorities. Progress in the ongoing decentralization process will benefit the minority populations, above all the Kosovo Serb community.

We hope that all ethnic groups in Kosovo will participate actively in the upcoming municipal elections, which will be an important test for the future of Kosovo. In his recent visit to Kosovo, Austrian Foreign Minister Spindelegger called on the Government of Kosovo to actively engage with the Kosovo Serb community. We sincerely hope that the first elections after Kosovo's independence will result in an encouraging signal for the future of all inhabitants of Kosovo. We would like to encourage pragmatism and self-restraint from both Kosovo and Serbia to make these elections a success, avoiding increased tensions, particularly in the North.

We remain strongly committed to a peaceful, democratic and multi-ethnic Kosovo with full respect

for the rule of law and the protection of non-Albanian communities and of Kosovo's cultural and religious heritage. The Organization for Security and Cooperation in Europe Mission in Kosovo (OMIK) has an important role to play in the realization of this goal. We welcome its extensive civilian field presence throughout all parts of Kosovo and commend its important work.

We also commend the Mission for working intensively and in coordination with other international stakeholders to support the Central Election Commission (CEC) in the preparations for the 15 November elections and for taking the lead in coordinating international stakeholders' assistance to the CEC, in accordance with OMIK's previous experience in organizing elections and within its status-neutral mandate.

Kosovo is a key factor in the long-term stabilization of the Western Balkans. It is well known that Austria has consistently supported a future for all peoples of the Western Balkans within the European Union. Yesterday, the European Commission published a progress report on Kosovo highlighting that many challenges, such as corruption and organized crime, remain, as well as a feasibility study analysing ways to further Kosovo's political and socio-economic development. The Commission proposes steps in this regard. Austria will favourably evaluate these proposals and remains dedicated to the objective of a peaceful, prosperous and multi-ethnic Kosovo, in which all people irrespective of their ethnic or religious background can live in safety and dignity.

Mr. Apakan (Turkey): Allow me to extend a warm welcome to the Minister of Foreign Affairs of Serbia, Mr. Jeremić, and the Minister of Foreign Affairs of Kosovo, Mr. Skender Hyseni. We are happy to see both of them with us today. I also welcome the presence of Mr. Kyrle, Vice Federal Minister for European and International Affairs of Austria.

I would also like to thank Mr. Zannier for his informative and comprehensive briefing. We very much appreciate his efforts. We are confident that the United Nations Interim Administration Mission in Kosovo (UNMIK), as reconfigured, will continue to carry out the tasks entrusted to it and will, as in the past, contribute to ensuring peace and stability in Kosovo, in close cooperation with the European Union

Rule of Law Mission in Kosovo and the Organization for Security and Cooperation in Europe.

We are pleased to see that Kosovo is taking the necessary steps to solidify its democratic institutions and capabilities as a sovereign State. We fully support these steps and remain ready to further contribute in any way we can.

The municipal elections to be held on 15 November 15 will be the first in Kosovo since the declaration of independence. Free, fair, transparent and inclusive elections are decisive for Kosovo's progress towards becoming a multi-ethnic society. The participation of the Kosovo Serbs and other communities in a multi-ethnic Kosovo is critical. We are encouraged to see that the political entities that have applied to take part in the elections come from the whole spectrum of communities in Kosovo. In this context, the integration of Kosovo Serb communities into Kosovo's institutions and their participation in the elections are particularly important.

We commend the Kosovo authorities for the work done so far on decentralization. We urge them to pursue these efforts to the end and devote the necessary resources thereto. While challenging, success in this area is critical to ensuring peace and stability and to demonstrating that Serbs have a future in Kosovo. We note the efforts of the Kosovo Government on the reconstruction of cultural property and returns. We hope to see further steps to advance the current projects. Progress in these areas is important for the formation of a diverse, multi-ethnic and multicultural Kosovo.

Security and stability in the Balkans are one of the key priorities for Turkey. We are committed to working with all our partners towards ensuring a safe, stable and prosperous future for the region. This being the case, the support given to Kosovo in its efforts to integrate with the international community and institutions should be further intensified. We will do our part in that regard.

At the same time, a democratic and prosperous Serbia is crucial to regional stability and cooperation. The international community should continue to encourage and support Serbia in its efforts to integrate with European and Euro-Atlantic structures. As for Turkey, we are determined to carry forward our friendly and mutually beneficial relations with Serbia.

Mr. Parham (United Kingdom): I, too, would like to join others Security Council colleagues in welcoming the Special Representative of the Secretary-General, Mr. Lamberto Zannier; the Foreign Minister of Kosovo, Mr. Skender Hyseni; and the Foreign Minister of Serbia, Mr. Vuk Jeremić, to the Council Chamber today. I should like also to welcome the Vice Federal Minister for European and International Affairs of Austria.

I would also like to express our thanks to the Secretary-General for his comprehensive report (S/2009/497) on developments in Kosovo over the reporting period and to commend the continuing efforts of the United Nations Interim Administration Mission in Kosovo (UNMIK) to help improve stability in Kosovo. We would also like to thank Mr. Zannier for his leadership and hard work.

The Secretary-General's report illustrates that Kosovo is continuing to make good progress in a number of areas: the rule of law, security and community reconciliation. We acknowledge the contribution of the United Nations in achieving this progress. It is also positive that 317 Kosovo Serb police officers have been reintegrated into the Kosovo Police Service and that the Kosovo security force has now reached initial operating capability. We commend the role that the European Union Rule of Law Mission in Kosovo (EULEX) and the Kosovo Force have played in achieving this.

The United Kingdom welcomes the start of criminal proceedings against those involved in deliberate attempts to damage vehicles belonging to the international missions in Kosovo. As the President of Kosovo has said, such attacks are unacceptable.

It is important to note that a growing number of United Nations Member States — now 62 — have recognized Kosovo. Kosovo has also become a member of the five World Bank Group institutions with the active support of over 50 further countries that, while not yet formally recognizing Kosovo, have shown by their votes that they accept that the Republic of Kosovo is now a permanent fact on the international scene and should be allowed to play its part independently in relevant international institutions. Altogether, almost 60 per cent of the membership of the United Nations has now accepted the fact of Kosovo's existence. We hope that those that have not yet done so will soon follow their example.

With UNMIK now having concluded its reconfiguration, more autonomy being given to Kosovo institutions and EULEX establishing a presence in all regions of Kosovo, UNMIK needs to ensure that it focuses on those areas where it can play a useful and relevant role. Equally, it is correct that UNMIK's resources should be commensurate with the size of its responsibilities. We welcome UNMIK's willingness to engage in a number of areas, such as assisting the Kosovo Property Agency, supporting Kosovo's engagement with external organizations where necessary, and promoting returns and reconciliation. We also underline our full support for the valuable work that EULEX is carrying out throughout Kosovo.

We call on the Government of Kosovo to continue to engage constructively and pragmatically with UNMIK for the benefit of all people of Kosovo. Nothing in that cooperation diminishes Kosovo's status.

One of the key challenges facing Kosovo in coming months is to ensure the success of the local elections. That will be achieved only by encouraging the participation of all of Kosovo's communities. Kosovo Serbs and their friends in the international community should recognize the practical benefits of decentralization and local elections. Whatever differences we have on status, we can surely agree that Kosovo Serbs need effective and legitimate locally elected leadership. Only through wide participation can there be viable local government that can secure funding for the benefit of its communities. The Government of Kosovo must reach out to all communities and do all it can to ensure Kosovo Serbs recognize the benefits that local representation will bring them.

We also call on the Government of Serbia to continue to engage with the European Union to improve conditions for Kosovo Serbs. We welcome recent progress on the ground and look forward to further, early steps on customs, justice and other issues.

We disagree with the view of the Serbian Government that conditions for successful local elections do not exist and regret that the Serbian Government will not support them. But we welcome the repeated assurances given by representatives of the Government of Serbia that Belgrade will not seek to punish those Kosovo Serbs who do take part. We believe that Kosovo's Serb community would benefit

from the rule of law and the opportunity to play a part in running their own communities.

The proposed EU house in the north should enable the citizens of north Kosovo to more easily recognize the benefits that a European perspective can bring them — for example, European project funding, scholarship or business start-up opportunities and information about the European Union.

The United Kingdom remains committed to supporting the international community's efforts to promote stability, reconciliation and economic progress in Kosovo so that it can advance towards an EU perspective in parallel with its neighbours.

Mr. Rugunda (Uganda): We thank the Special Representative of the Secretary-General, Mr. Zannier, for his briefing. We welcome the Minister for Foreign Affairs of Serbia, Mr. Jeremić, and thank him for his statement. We also thank Mr. Hyseni for his statement. Let me also welcome Mr. Kyrle, Vice Federal Minister for European and International Affairs of Austria.

Uganda welcomes the completion of the reconfiguration of the United Nations Interim Administration Mission in Kosovo (UNMIK) and commends it for reaching its authorized strength. We call on UNMIK to focus on promoting security and stability in Kosovo and in the Balkans by facilitating practical cooperation between communities, as well as between the authorities in Pristina and Belgrade. The creation of the UNMIK Office for Community Support is significant in facilitating engagement and cooperation by all sides.

We are encouraged by the level of cooperation between UNMIK and the European Union Rule of Law Mission in Kosovo (EULEX) regarding the exchange of information and coordinating on issues of mutual concern. That cooperation, in all sectors, should continue to be strengthened. We are also pleased to note that EULEX has reached full operational capacity and is continuing to operate under the overall authority of the United Nations, within the status-neutral framework of resolution 1244 (1999).

We are encouraged by the progress being made in decentralization, and we call on the authorities to ensure that the process is carried out in a consultative, participatory and inclusive way.

Although it appears that the overall situation in Kosovo during the reporting period remained relatively

calm, we are concerned by the incidences of violence in the northern Mitrovica suburbs. We therefore call on both parties to exercise restraint, mutual respect and tolerance in order to live together harmoniously, in the interests of peace.

We salute the efforts of UNMIK, in coordination with EULEX and the Kosovo Force (KFOR), to encourage both sides to find a sustainable and peaceful solution. We also commend UNMIK for its efforts to encourage the return of Kosovo Serb internally displaced persons to their homes.

Finally, we commend UNMIK for its work and urge the international community to continue to lend the necessary support to enable it to effectively carry out its role of maintaining peace and stability.

Mr. Heller (Mexico) (*spoke in Spanish*): My delegation appreciates the information provided by Mr. Lamberto Zannier, the Special Representative of the Secretary-General for Kosovo, as well as the presence and statement of Mr. Vuk Jeremić, the Foreign Minister of Serbia, and the statement of Mr. Skender Hyseni.

Mexico has followed the full reconfiguration of the United Nations Interim Administration Mission in Kosovo (UNMIK) and the transition over recent months with the European Union Rule of Law Mission in Kosovo (EULEX). We welcome the fact that there has been appropriate coordination between the two organizations in this transition period and that cooperation has continued in important areas such as rule of law and resolving community disputes.

My delegation calls on the parties to meet their obligations in conformity with resolution 1244 (1999), under the principle of neutrality, and to cooperate with UNMIK and EULEX in the implementation of their mandates, as their presence will continue to be central for the security, stability and development of the region.

It is important to recall that, pursuant to international humanitarian law, human rights and the rights of refugees, the parties are obliged to create conditions conducive to the secure, voluntary and non-discriminatory return of displaced persons and to adopt measures to facilitate that return, including economic reconstruction and social development in the locations of return.

My delegation views with concern the humanitarian situation and the lack of conditions necessary for the return of displaced persons and refugees to their homes. While the security situation in Kosovo has remained relatively stable, factors such as discrimination, harassment and lack of development opportunities arise as some of the major obstacles to ensuring enduring return in the region. Much remains to be done, given the much reduced number of returns registered in recent months, to attend to the requests of nearly 1,295 families for return to Kosovo.

We encourage UNMIK to continue to support local authorities, together with the United Nations Development Programme and other humanitarian organizations working on the ground, in the promotion of community development programmes aimed at the reconstruction of homes, job creation and access to services such as health, water and electricity, as well as in areas such as security and education. Mexico joins the call to local authorities to promote effective measures that improve conditions in the camps for internally displaced persons and offer basic services to their inhabitants including medical care. Caring for the population cannot be subordinated to other agendas.

For my delegation, strengthening the rule of law remains one of the pending matters that require priority attention. Along those lines we encourage UNMIK and the EULEX to spare no effort in strengthening the capacities of local authorities to provide access to justice, combat impunity and promote and ensure respect for human rights. Likewise, we call upon the parties and UNMIK maintain their support for and full cooperation with the International Criminal Tribunal for the Former Yugoslavia in order to guarantee the right to due process in the cases under its jurisdiction.

Mexico endorses the recommendation contained in the Secretary-General's report (S/2009/497) to increase strategic and political coordination between the United Nations and the European Union. We urge them to continue to work on the basis of a common strategy to address the ongoing challenges in Kosovo, with an eye to contributing to stability in the Balkans.

Lastly, we reiterate our position, consistent with the principles of justice and international law enshrined in the United Nations Charter and commend the International Court of Justice as the judicial body supremely competent to peacefully resolve disputes arising from the interpretation of international law. In

that regard, we await with interest the advisory opinion of the Court requested by the General Assembly on the case of Kosovo.

Mr. Urbina (Costa Rica) (*spoke in Spanish*): I wish to begin by thanking Mr. Zannier for introducing the report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2009/497). We salute his leadership and that of the mission in Kosovo. Costa Rica also welcomes the presence of Mr. Jeremić, Minister for Foreign Affairs of Serbia, and of Mr. Hyseni, Minister for Foreign Affairs of Kosovo. We also welcome the presence of the Vice Federal Minister for European and International Affairs of Austria.

Costa Rica recognizes the successful reconfiguration of the Mission in Kosovo and the ongoing coordination and complementarity of its work with the European Union Rule of Law Mission in Kosovo (EULEX). We also welcome the improvement of the overall security situation in Kosovo, as well as the reintegration of Kosovo Serb police officers into the Kosovo Police Service, because we believe that an inclusive police force will be more successful in addressing the ongoing ethnic tensions, in particular in the northern areas of the country. We believe that the strengthening of the Kosovo Police Service will serve not only to maintain security, but also to improve the operations of local security committees so that they may better address security incidents that arise within communities, including ethnically motivated confrontations.

Costa Rica hopes for the peaceful continued implementation of reconstruction projects and the creation of economic, social and security conditions conducive to the return and sustainable reintegration of internally displaced persons (IDPs), including the Roma, Ashkalis and Egyptians from the North. We also recognize the efforts undertaken to facilitate the return and reintegration of IDPs and call for continued efforts to promote security conditions that will help the greatest number of people to return.

Costa Rica underscores the importance we attach to the legitimacy of the democratic process with a view to the establishment of a peaceful State. In that context, we believe that the strengthening of institutions capable of holding transparent and fair elections is essential if the results are to be accepted by all parties. We hope for broad participation in the upcoming

municipal elections and believe that a successful electoral exercise will contribute to the strengthening of local governance and the consolidation of a Kosovar State that is prosperous, democratic, multi-ethnic and respectful of human rights.

Costa Rica reiterates its support for the declaration of Kosovo as a sovereign and independent Republic. We believe that a definitive and internationally recognized solution on the status of Kosovo is today more necessary than ever to the internal domestic development of the nation and to greater stability in the Balkan region.

While this recognition is in progress, we hope that Kosovo's relations with its neighbours continue to be based on respectful and peaceful coexistence. We call on the authorities in Kosovo to respect international humanitarian law and human rights, including measures to ensure respect and protection of minority groups. We also urge the international community to support the socio-economic development of Kosovo and its active integration into the regional economy and the broader context of the international community.

Mr. Araud (France) (*spoke in French*): I wish to begin by thanking Mr. Vuk Jeremić, Minister for Foreign Affairs of the Republic of Serbia and Mr. Skender Hyseni, Minister for Foreign Affairs of the Republic of Kosovo, for their presence. We have listened to them with great care. I also commend the work of Mr. Lamberto Zannier, Special Representative of the Secretary-General who in a very effective and pragmatic way has implemented the reconfiguration of the international presence created by the Secretary-General with the support of the Security Council.

More than a year and a half have passed since Kosovo's declaration of independence. What lessons can we draw? Kosovo's independence has contributed to strengthening security and stability, by putting an end to two decades of violence and defiance. The rights of minorities are respected in conformity with the commitments undertaken by Kosovo authorities by accepting the plan elaborated by the Special Envoy of the Secretary-General, Mr. Martti Ahtisaari.

This outcome is the result of the work of all the men and women who have worked within the United Nations Interim Administration Mission in Kosovo (UNMIK) for ten years. It is also the result of the work of the European Union with the European Union Rule

of Law Mission in Kosovo (EULEX) and its essential support in helping the authorities in Kosovo to set up a State of law and solid institutions for the good of the people of Kosovo. It is also the result of the work of Kosovars who placed their confidence in the international community. It is the result of the work of Serbs who chose the path of reason and of doing their utmost to ensure that Kosovo would develop in peace and calm for the good of all its communities.

Of course, difficulties remain. But France believes that if we take a step back to look at all the very real imperfections in the field, it can be said that, generally speaking, the Government of Kosovo has acted in a responsible way and fulfilled its commitments. The creation of a Constitution in conformity with European norms and values and the adoption of laws promoting the participation of minorities are all important steps towards a State of law at the service of all of the inhabitants of Kosovo, without regard to their community alliances.

The reorganization of the international presence took place in very good conditions. The European Union is now providing essential support through deployment of EULEX which assists in building the institutions of a State of law in Kosovo in the framework of resolution 1244 (1999). The European Mission is pursuing a twofold objective: to help the authorities in Kosovo to consolidate the institutions put in place with UNMIK's assistance, and to ensure the full implementation of the commitments that they have undertaken concerning the rule of law. In that context, the role of Serbia is, of course, essential. We welcome the Mission's technical cooperation with the authorities of Kosovo's neighbours — including, of course, Serbia — in the area of law enforcement.

We are aware of what Kosovo's independence represents for Serbia. Nevertheless, we call on Serbia to maintain its responsible attitude and to focus its efforts on its future integration into the European Union. France, which does not forget a long shared history, is counting on Serbia to contribute to stability in a difficult region. The statement just made by Mr. Jeremić confirms that intention.

We listened attentively to Mr. Hyseni. The commitment to the rule of law, the desire to build a multi-ethnic State that respects minorities, the will to nurture friendly relations with Kosovo's neighbours and the pro-European commitment of the Kosovo

authorities that the Foreign Minister just reiterated are strong commitments that should be commended.

Once again, we have just seen evidence of the persistence of differences between Serbia and Kosovo. We regret that a legal and political guerrilla war is under way that is sterile and does not correspond with public opinion in both countries in favour of overcoming the crisis and turning to the future. The people are sometimes ahead of their Government.

However, we must also highlight the concern shared by the Serbian and Kosovo authorities to maintain stability in the region and to preserve the conditions for a shared future within Europe. We encourage Belgrade and Pristina to resume direct dialogue as swiftly as possible. The European Union, for its part, will remain committed to ensuring a stable and prosperous future for the Western Balkans as a whole and to offering a shared future to Serbs and Kosovars within the framework of our European adventure.

Mr. Dabbashi (Libyan Arab Jamahiriya) (*spoke in Arabic*): I should like at the outset to welcome Mr. Jeremić, Minister for Foreign Affairs of Serbia, and Mr. Hyseni. I also thank Mr. Lamberto Zannier, Special Representative of the Secretary-General, for his briefing.

It goes without saying that the changes in the situation on the ground since Kosovo's declaration of independence and the deployment of the European Union Rule of Law Mission (EULEX) have made it possible to appropriately reconfigure the Mission and its activities. In that context, I should like to congratulate the bureau of the Mission on having taken the concerns of communities into account. We believe that it is extremely important that those efforts continue, in particular with regard to the minorities. That will allow for the voluntary return of internally displaced persons, the monitoring and protection of human rights and continued mediation among local communities.

Despite the prevailing calm and recent positive developments in Kosovo, such as the return of certain Serbian police to carry out their duties, we remain concerned about the tense situation in the northern municipalities, since they are functioning in isolation, separately from other areas of Kosovo, and in some cases are linked to separate conflicts between Kosovo Serbs and Kosovo Albanians. In that connection, we

would like to commend the role of the United Nations Interim Administration Mission in Kosovo (UNMIK) as mediator and its efforts to reduce tension and begin reconstruction, with the assistance of EULEX and the Kosovo Force (KFOR). We condemn any attacks on the United Nations Mission and its property in Kosovo, and we wish to stress the need to ensure the safety, security and rights of United Nations personnel, wherever they might be.

We share the opinion expressed by the Secretary-General with regard to inviting the parties to adopt an approach based on common interests, to adopt a constructive policy concerning reconciliation between various ethnic groups, to exhibit restraint and to avoid any incendiary statements that could lead to an escalation of violence in the region. All parties must refrain from any act that could destabilize the region. We are aware that there are differing points of view concerning the status of Kosovo, and we await the advisory opinion of the International Court of Justice on that issue. However, we are hopeful that dialogue and constructive cooperation will continue so that all sects and communities can coexist in an atmosphere of cooperation far removed from acts of violence.

We have taken note of the recommendations made by the Secretary-General in his report (S/2009/497), and we join others in thanking the Mission for its efforts to strengthen dialogue and pragmatic cooperation among communities and between Pristina and Belgrade in order to establish stability in Kosovo and in the Balkan region in general.

Mr. Takasu (Japan): I would like to join previous speakers in extending a warm welcome to Foreign Minister Jeremić of Serbia and Foreign Minister Hyseni of Kosovo. I would also like to thank Special Representative Lamberto Zannier for his comprehensive briefing. The United Nations contribution for Kosovo — particularly the Secretary-General's leadership and Mr. Zannier's personal commitment — is very much appreciated.

We also highly value the contributions on the ground by the sister organizations — the European Union Rule of Law Mission (EULEX), the Kosovo Force (KFOR) and the Organization for Security and Cooperation in Europe (OSCE) — to support a multi-ethnic, democratic Kosovo and the entire Western Balkans region.

The reconfiguration of the United Nations Interim Administration Mission in Kosovo (UNMIK) initiated by the Secretary-General has now been completed. We welcome the useful role played by UNMIK in inter-ethnic mediation. UNMIK is making efforts to mediate between northern Kosovo and Pristina and also between Pristina and Belgrade, in cooperation with the United Nations Office in Belgrade. We are very pleased that UNMIK's involvement has contributed to the relaxation of tensions surrounding the Kroi i Vitakut/Brđjani reconstruction.

EULEX is also extremely important. We welcome the operation conducted by EULEX, which has been carried out very smoothly. Its technical consultation with Belgrade is also making progress. The attack by a militant group on EULEX in Pristina was quite regrettable. Establishing the rule of law in Kosovo is an urgent task, and we urge all parties to work with EULEX to achieve effective cooperation.

We are expecting municipal elections on 15 November. If Kosovo is to develop multi-ethnic communities, it is important to ensure that these municipal elections are conducted in a free, fair and transparent manner. People must be allowed to vote and participate in a free and safe atmosphere. It is our hope that decentralization will be promoted throughout Kosovo, including the northern provinces, with broad local participation.

The tense security situation in northern Kosovo is a continuing source of concern, and we urge all parties to extend their cooperation to aid the return of internally displaced persons and the protection of ethnic minorities.

The focus of the international community should be on promoting economic growth and development and peaceful coexistence in a multi-ethnic Kosovo. We welcome the fact that Kosovo has become a member of the World Bank Group and is implementing a new partnership strategy, including by improving public subsidies and generating new sources of economic growth. Japan has extended support to Kosovo through a human security approach, because integrating a human-centred approach is particularly relevant in the northern provinces, with due regard to reducing the sense of vulnerability among the population. Such an approach is extremely useful not only in Kosovo but also in the Western Balkan nations as a whole.

We conducted a bilateral consultation in Pristina yesterday, and Japan will consider, on the basis of the outcome, additional assistance to Kosovo. Japan is committed to helping Kosovo develop as a vibrant multi-ethnic and fully democratic country, and to stabilizing the Western Balkan region as a whole. We will do so in close cooperation with our international partners, Serbia and other countries in the region.

Mr. Churkin (Russian Federation): We thank the Special Representative of the Secretary-General in Kosovo, Mr. Zannier, for his presentation of the Secretary-General's report (S/2009/497) on the United Nations Interim Administration Mission in Kosovo (UNMIK). We welcome the participation in today's meeting of the Minister for Foreign Affairs of Serbia, Mr. Vuk Jeremić, whose assessments we share. We are compelled to note that the ideas offered by Mr. Hyseni are often very different from the realities on the ground.

The position of the Russian Federation on the issue of Kosovo remains consistent. We are convinced, as before, that resolution 1244 (1999) is still fully in force and remains the international legal basis for a Kosovo settlement binding upon all. The Russian Federation fully endorses UNMIK's actions in fulfilling its mandate and the provisions of the report of the Secretary-General of November 2008 (S/2008/692). That document enshrines the primacy of the United Nations Mission vis-à-vis other international presences in the province. No one, therefore, has the right to impede UNMIK's fulfilment of its mission, including issues related to securing in Kosovo the democratic standards established by the international community.

At the same time, we continue to hear calls from Pristina for the drawdown of UNMIK. We consider these unacceptable and even dangerous. Any tolerance of such suggestions will lead to a destabilization of the situation, which has manifested itself lately in the burning of vehicles belonging to international presences.

On the basis of the lead role of the United Nations Mission in Kosovo, we should build its relations with the European Rule of Law Mission in Kosovo (EULEX). Any attempt to question the competence and authority of UNMIK or to replace it with other international structures in the province is unacceptable, as it would run counter to the Security

Council's approach package for the reconfiguration of UNMIK, adopted in November 2008.

In the context of the completed reconfiguration of UNMIK, the Mission should fulfil its functions in a proactive and comprehensive way within the framework of the mandate entrusted it by the Security Council. We are concerned about attempts to marginalize UNMIK's role, not only in the area of the rule of law, but also in the context of the negotiation process on the six technical issues. Representatives of UNMIK should participate in all Belgrade-EULEX meetings. Albanian Kosovars should also be more actively motivated to cooperate on practical aspects of restoring the daily life of the Serb community in the province. What is important here is the active participation not only of UNMIK, but also of States with influence in Pristina. We note that the authorities in Pristina, in contrast to Belgrade, have thus far pursued a policy in this area that is not constructive.

We consider any further downsizing of UNMIK's operational personnel to be unacceptable, as it would limit its ability to discharge its Security Council mandate, including on the issues of the return of refugees and internally displaced persons, and the protection of Serb cultural heritage. The situation in that sphere is alarming. This outrage cannot be swept under the carpet.

Regarding the municipal elections scheduled for 15 November in the province, we stress that UNMIK and the Kosovo Force (KFOR) should carry out a coordinated and status-neutral policy aimed at averting tensions that could have unpredictable consequences. This applies equally to the issue of the return of Albanian Kosovar property in the North of the province. The situation in this respect is marked by a potential for explosive conflict, which has arisen largely as a result of the illegal activities of Albanian Kosovars.

We reiterate our readiness to continue political efforts to elaborate a legally correct, fair and effective settlement of the Kosovo issue. The next stage in that context should be the oral hearings beginning 1 December in the International Court of Justice on the question of the legality of Kosovo's unilateral declaration of independence, in which Russia intends to participate.

I have one further important point. We draw the Council's attention to the unacceptability of the

arbitrary participation of Kosovo representatives in international forums, including the United Nations and its specialized agencies. Unfortunately, we were recently witness to blatant violations in that regard. During the high-level week of the sixty-fourth session of the General Assembly, representatives of Pristina enjoyed illegal, unfettered access to the Assembly Hall and other Headquarters premises intended exclusively for the official delegations of Member States. There, these individuals engaged in bilateral contacts with other delegations without the mandatory presence of UNMIK representatives, as required under resolution 1244 (1999). Such flagrant breaches of the provisions of resolution 1244 (1999) and of United Nations rules and procedure are unacceptable, and we assume that they will not happen again.

Mr. Koudougou (Burkina Faso) (*spoke in French*): At the outset, I would like to thank Mr. Lamberto Zannier, Special Representative of the Secretary-General, for his briefing. I welcome Mr. Vuk Jeremić and Mr. Skender Hyseni, Ministers for Foreign Affairs of Serbia and the Republic of Kosovo, respectively, and thank them for their statements.

My delegation notes that the overall situation in Kosovo has remained relatively stable, despite a number of inter-ethnic problems that unfortunately persist in the North of the province. We pay tribute to the actions of the Special Representative of the Secretary-General, in cooperation with local authorities, to address these differences, and we welcome the full cooperation of the Kosovo Police Service with the European Rule of Law Mission in Kosovo (EULEX) and the Kosovo Force.

Regarding the upcoming municipal elections scheduled for 15 November, the first since the declaration of independence of Kosovo, we urge all actors to step up their efforts to ensure the calm conduct of the electoral process, which we very much hope will be free, transparent and democratic.

While we commend the authorities of Pristina for the steps taken to resolve the issues relating to the minority communities, we urge them to further engage in the fight against the crimes of aggression, killings and desecration of cemeteries.

In the opinion of my delegation, the following challenges should be especially emphasized. First is the creation of the necessary social, political and economic conditions to ensure a successful

reintegration of the displaced Serbs in Kosovo, which would help guarantee lasting stability of the region. Second is reconstruction of the cultural and religious heritage sites, which would certainly have a positive impact on the spiritual life of the Serb minorities in the region. In that regard, the support and cooperation of the countries of the region and of the international community are essential in order to promote rapprochement and reconciliation between the two communities. Third and last is relaunching the economy through creating jobs and improving the living conditions of the population in Kosovo.

My delegation congratulates the United Nations Interim Administration Mission in Kosovo (UNMIK) for its cooperation with the authorities in Pristina and of Belgrade, despite certain reluctance over its presence. We wish to recall that the Mission, which was authorized by the Security Council, should have the support of the international community to enable it to play its role fully, in particular that of mediator in the dialogue between Pristina and Belgrade so as to guarantee security and stability in the region.

We welcome the fact that the EULEX Mission is fully operational, so it can undertake monitoring, mentoring and advising activities in the area of the rule of law. The results of its efforts have already been seen in the areas of law enforcement, justice and customs. We also welcome its cooperation with UNMIK in handling war crimes cases, and we urge the parties and all national and international actors to cooperate fully with it in order to find solutions to the region's remaining problems.

To conclude, Burkina Faso wishes to reaffirm its recognition of the Republic of Kosovo and would urge the parties to engage in dialogue so as to find a mutually acceptable solution to their differences. We also urge the international community, including the countries of the subregion, to assist them in that step towards restoring peace and stability. Finally, we reiterate our full support for Mr. Zannier and for UNMIK.

Mr. Liu Zhenmin (China) (*spoke in Chinese*): The Chinese delegation wishes to thank you, Mr. President, for convening today's meeting. We welcome the presentation of the report of Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2009/497). We thank Mr. Zannier, Special Representative of the Secretary-

General for Kosovo, for his briefing and commend him and the United Nations Interim Administration Mission in Kosovo (UNMIK) for their efforts to maintain peace and stability in Kosovo and in the Balkan region.

We have listened carefully to the statements made by His Excellency Mr. Jeremić, Minister for Foreign Affairs of Serbia, and by Mr. Hyseni. We welcome the participation of the Austrian Vice Federal Minister for European and International Affairs in today's meeting.

The report of the Secretary-General and the briefing by Mr. Zannier have shown that in the last reporting period the political situation in Kosovo remains generally stable and that municipal elections will be held on 15 November. However, the situation in some areas in the north remains fragile. There has been some small-scale conflict between Serb and Albanian residents. China is concerned in that regard.

At the same time, we are encouraged to see that under UNMIK's mediation, an initial settlement has been reached in the disagreement between ethnic Albanian and ethnic Serb residents. We hope that all parties will continue to exercise restraint, enhance dialogue and avoid statements and actions that might threaten the peace and stability.

At present, the fragile situation in northern Kosovo reflects some prominent issues facing both the Serbian Government and the Kosovo authorities. Serbia and Kosovo have serious differences on the status and the future of Kosovo. The ethnic Serbs and ethnic Albanians living in Kosovo urgently need to enhance their mutual understanding and trust. Efforts to encourage the displaced persons of those communities to return to Kosovo should be stepped up, in particular the reintegration of the Serb community in Kosovo.

We believe that the continuation of the above situation is not conducive to peace and stability in the Balkan region. The settlement of the issue depends on the joint efforts of the Serbian Government and the Kosovo authorities. China respects the sovereignty and territorial integrity of Serbia. We hope that, through dialogue and negotiations, Serbia and Kosovo will reach a mutually acceptable settlement to the Kosovo issue. The Kosovo authorities should also create favourable conditions for the settlement of conflict between the communities and the question of their return.

China has noted that with the change in the situation on the ground, UNMIK has undergone a reconfiguration and a drawdown. We believe that the adjustment of UNMIK is only technical and should not involve the question of the status of Kosovo or change the neutral position of the United Nations. UNMIK should continue to observe the mandate provided by Security Council resolution 1244 (1999) and other relevant documents. We hope that it will strengthen its communication with Serbia and with Kosovo, pay attention to fulfilling the functions of the newly created Office for Community Support and Facilitation, continue to play a crucial role in the proper settlement of the Kosovo issue and promote peace and stability in the Balkan region. We also hope that the parties concerned will cooperate closely with the Mission's various efforts.

We welcome the readiness of the European Union to play a role in maintaining stability in the Balkan region. We hope that EULEX will continue to operate under the overall authority of the United Nations and within the status-neutral framework of resolution 1244 (1999), to cooperate with UNMIK's work and to play its due role in maintaining the peace and stability in this region.

Mr. Vilošić (Croatia): I too would like to welcome to the Chamber His Excellency Vuk Jeremić, Minister for Foreign Affairs of the Republic of Serbia, and His Excellency Skender Hyseni, Minister for Foreign Affairs of the Republic of Kosovo, and to thank them for their statements. We also welcome Mr. Lamberto Zannier, Special Representative of the Secretary-General, and thank him for his important contribution and his tireless work. We also welcome the presence at this meeting of Mr. Johannes Kyrle, Vice Federal Minister for European and International Affairs of Austria.

Croatia welcomes the continued and steady progress that Kosovo is making on its path towards creating a stable, secure and democratic society. We also salute the European Union for continuing its efforts in advancing the European perspective for all the countries in the region on the basis of their reform efforts and individual accomplishments.

Croatia welcomes the Secretary-General's assessment that the overall security situation in Kosovo has remained relatively calm. However, we are concerned with recent incidents in the north, including

the acts of vandalism involving 26 European Union Rule of Law Mission in Kosovo (EULEX) vehicles in Priština.

Croatia would like to commend the United Nations Interim Administration Mission in Kosovo (UNMIK) for its effective and useful role and for the services that it is providing to both communities in Kosovo, as well as for its support to international organizations operating in the north, including through its dialogue and cooperation on practical issues that can benefit both Priština and Belgrade.

We believe that that, in itself, confirms the useful role that UNMIK plays in Kosovo, particularly on issues of external relations and international legal assistance. We call on all parties to continue to cooperate with the Special Representative of the Secretary-General and his team.

Croatia is pleased to see that EULEX has continued to undertake monitoring, mentoring and advising activities since its full deployment on 6 April 2009. Croatia, which is a contributing country to EULEX, would like to take this opportunity to commend the Mission's leadership and other partner countries for their efforts, in particular for ensuring, in a coordinated manner with UNMIK and the Kosovo Force, effective response to instances of inter-ethnic violence or major public disturbances.

We welcome the good cooperation that exists between EULEX and UNMIK, which, together with other international partners, should continue to work together to address new challenges and build a better future for all people in Kosovo. We also welcome the high level of interest and support that Kosovo authorities have shown in helping EULEX to fulfil its mandate, as well as in planning further action.

Croatia looks forward to the successful conduct of upcoming municipal elections scheduled for 15 November 2009, as the Central Election Commission, with the support of the Organization for Security and Cooperation in Europe (OSCE), will for the first time be fully in charge of organizing all phases of electoral operations and certifying the results. That will be a further test of the maturity of Kosovo's institutions.

We believe that all citizens of Kosovo, including Kosovo Serbs in the north, should be encouraged to participate actively in the elections. Moreover, we

welcome the return of almost all Kosovo Serb officers to their positions in the Kosovo Police by the 30 June deadline. Remaining Kosovo Serbs and other non-Albanians will fully realize their civic and democratic rights by actively participating in the political process and institutions in Kosovo, thereby improving the position of their respective communities.

In that respect, even though the number of returns remains low, we draw attention to the assessment in the Secretary-General's report (S/2009/497) that the reintegration of minority communities continues to be a challenge, primarily owing to the lack of employment opportunities, the fragile economic situation and access to services.

Finally, we acknowledge the efforts made on the question of the reconstruction of cultural property and the issue of returns. As stated by the Secretary-General in his report, the number of returns remains very low, while the reintegration of minority communities, especially the Kosovo Serb community, continues to be a challenge. Further progress in this field remains critical, as Kosovo is gradually developing into a multi-ethnic and peaceful society strengthened by its commitment to the values of tolerance, protection of human rights and minority rights, dialogue and cooperation.

Ms. DiCarlo (United States of America): Let me begin by welcoming Foreign Minister Jeremić of Serbia and Foreign Minister Hyseni of Kosovo to the Security Council today. I would also like to welcome Special Representative Zannier to the Council and thank him for his briefing.

The United States commends the Special Representative for the work the United Nations Interim Administration Mission in Kosovo (UNMIK) has carried out under his leadership, including UNMIK's successful reconfiguration.

Today, I would like to underscore three key points. First, the United States welcomes what the Secretary-General has called a new phase for UNMIK. The full deployment of the European Union Rule of Law Mission in Kosovo (EULEX) has enabled UNMIK to reconfigure itself and reduce its responsibilities. We fully support this transition, which makes EULEX the primary international presence for rule of law issues in Kosovo. We welcome EULEX's expanding role in Kosovo, especially in the north of the country. As the Secretary-General states, UNMIK has now refocused

its efforts in facilitating practical cooperation among all communities in Kosovo, and we note that both Belgrade and Priština have adopted pragmatic approaches in resolving some of their outstanding issues.

Special Representative Zannier noted that UNMIK continues to facilitate Kosovo's participation in some international forums. We thank UNMIK for this assistance where it is necessary, but also note that Kosovo plays an independent role in a large number of international organizations and initiatives and should be allowed to play its role independently in the international community.

Secondly, we commend the Government of Kosovo for continuing to carry out its commitments under the Ahtisaari plan. The municipal elections scheduled to be held in 36 municipalities on 15 November 2009 will represent a significant milestone for Kosovo. These elections are the first to include new municipalities under the decentralization process outlined in the Ahtisaari plan. These new municipalities enable Kosovo Serbs to have a significantly stronger voice in local issues, and we are encouraged that 41 of the 76 parties or lists registered to participate in the elections represent Serb and other minority communities.

The United States strongly encourages all of Kosovo's citizens to participate in the upcoming elections, and we hope that others in the international community will voice their support for their participation as well. We regret that Foreign Minister Jeremić has said today that the Government of Serbia will not support the participation of Kosovo Serbs in these elections.

We also call on Belgrade and Priština to encourage and facilitate the engagement of all ethnic groups in Kosovo's institutions. We urge an end to support for parallel structures, which diminish coordination and cooperation between the Government and those in need and undermine the roles of the responsible Kosovo authorities.

Kosovo continues to face significant challenges in addressing the return of refugees and internally displaced persons. To be successful, the Governments of Kosovo and Serbia must continue to sustain efforts to facilitate these returns. The agreement reached earlier this year to reopen offices of the Kosovo Property Agency in Serbia was a major step forward.

Thirdly, the Secretary-General notes that the security situation remains relatively calm in Kosovo. Because of improved security, NATO decided to downsize its peacekeepers to a deterrent presence. But recent security incidents in northern Kosovo highlight the sensitivities and tensions inherent in building a multi-ethnic society after a conflict. We welcome the return to work of most Kosovo Serb police officers and the appointment of an ethnic Serb police officer to the position of Deputy General Director of Kosovo Police. Both are positive developments that will improve relations among Kosovo's communities.

The United States condemns the recent vandalism of UNMIK vehicles, but applauds Kosovo's handling of the incident, including the later arrest and prosecution of the perpetrators. These incidents and others, such as the confrontations over housing reconstruction by Kosovo Albanian returnees in northern Kosovo this summer, underscore the need for strengthened police cooperation and security for returning displaced persons.

Kosovo has made tremendous progress in the decade since the passage of resolution 1244 (1999). Sixty-two countries have now recognized Kosovo as an independent State. Kosovo has just joined the World Bank and the International Monetary Fund, and the country has shown that it is serious about its commitment to be a stable friendly member of the community of nations. Kosovo and other countries coming out of conflict in the Western Balkans deserve our continued support. For our part, the United States will continue to support the integration of all of the countries in the Western Balkans, including Kosovo and Serbia, into European institutions and Euro-Atlantic structures.

The President: I shall now make a statement in my capacity as the representative of Viet Nam.

I thank Mr. Lamberto Zannier, Special Representative of the Secretary-General and Head of the United Nations Interim Administration Mission in Kosovo (UNMIK), for his briefing and for his leadership of UNMIK. I also wish to thank Foreign Minister Vuk Jeremić of Serbia for participating in the Council's meeting today and sharing his perspectives on the situation on the ground. I acknowledge the presence of Mr. Skender Hyseni at this meeting of the Council.

Viet Nam continues to support the critical role of UNMIK in maintaining security and stability in Kosovo. We applaud UNMIK's efforts to engaged with all communities in Kosovo and to facilitate cooperation between Belgrade and Pristina.

We are encouraged to note that the Mission has successfully completed its reconfiguration and moved into a new phase, with a strong focus on providing mediation services to local communities and international organizations operating in northern Kosovo. We commend the strengthened cooperation between UNMIK and the European Union Rule of Law Mission in Kosovo (EULEX) under the overall authority and within the status-neutral framework of the United Nations. Such cooperation should be further enhanced so as to create an enabling atmosphere for dialogue among all Kosovo's communities and between Belgrade and Pristina with a view to finding durable solutions to the ongoing challenges in the region.

We take positive note of the progress made in such areas as the rule of law, justice and customs during the reporting period, as well as the demonstrated interest of Belgrade in finding solutions to some of the pending matters.

We remain concerned about the fragile security situation in Kosovo, marked by a series of security-related incidents and confrontations between Kosovo Serb and Kosovo Albanian communities in the North. We are also concerned about ethnic tensions in the North and the situation of refugees and internally displaced persons, including thousands displaced from Kosovo. We urge the local authorities in Kosovo to pay due attention and undertake appropriate actions to ease tensions related to these sensitive inter-ethnic issues. We call upon the authorities in Pristina and Belgrade to continue to work closely with all relevant international stakeholders towards negotiated solutions to their differences through peaceful means.

As a comprehensive and long-term solution to the situation in Kosovo has yet to be achieved, Viet Nam believes that the continued engagement of UNMIK with all sides remains crucial at this juncture, as it could facilitate the attainment of concrete progress and the fruitful implementation of arrangements that can be acceptable and beneficial to both Belgrade and Pristina.

The increasing contribution of EULEX to the areas of police, courts, customs, transportation and infrastructure, boundary management and protection of Serbian patrimony has already shown positive results and should be encouraged. We urge all sides to reinforce their constructive engagement and cooperation with UNMIK within the framework of Security Council resolution 1244 (1999) in working towards the achievement of solutions to long-standing impasses and of peace and security in the Balkans as a whole.

I now resume my functions as President of the Council.

I call on Mr. Skender Hyseni, who has asked for the floor to make a further statement

Mr. Hyseni: I had so hoped that I would not have to ask to speak a second time today, but a number of inaccuracies that we heard today from Mr. Jeremić require a response.

Unfortunately, the efforts to mislead this Council have continued with the presentation of various figures that have nothing in common with reality and with definitions that are in fact profound distortions of reality. What one ethnic group calls secession another calls a declaration of independence. I wish to recall for the Council that the independence of Kosovo was declared and has been supported by every single ethnic group living in Kosovo but the Serb community. Anyone who wishes to see that for themselves has only to go through the signatures signed under the declaration of independence. Turkish, Roma, Egyptian, Bosnian, Ashkali and many other names — non-Albanian members of Parliament of the Republic of Kosovo — will be found there.

Organized crime and terrorism are the only words used by some to describe Kosovo. The Kosovo Liberation Army is labelled a terrorist organization. The freedom-fighters of the Kosovo Liberation Army are freedom-fighters. Kosovo, on the other hand, is firmly committed to investigating, pursuing and punishing any crime committed on the territory of the Republic of Kosovo, regardless of the perpetrator. Isolated cases will in no way be allowed to overshadow the efforts of the suffering people of Kosovo to safeguard their freedom and their very existence.

I will not respond to each and every inaccuracy that we have heard tonight because I do not want to

waste the Council's time. But let me just say that it is regrettably amazing that we never heard Mr. Jeremić speak of the 12,000 to 15,000 slaughtered Albanians. We never heard Mr. Jeremić speak of the hundreds of mosques destroyed. We never heard Mr. Jeremić speak of atrocities committed throughout the former Yugoslavia that were sponsored, organized, planned and carried out by the Government of the Republic of Serbia.

The Serbian patrimony is the cultural heritage of Kosovo. It is our cultural heritage, and we intend to protect it by all means and at any cost. We intend to investigate and prosecute any crime committed in Kosovo. I am not going to turn myself either into an investigator or into a judge tonight. I am not the one. We have an independent justice system that is fully functional and will be more and more so with the help and support of the European Union Rule of Law Mission in Kosovo (EULEX).

We invited EULEX to deploy in Kosovo to help us in the police and justice sectors. We, and not the Republic of Serbia, will prosecute crimes committed by our people in the territory of our country. The old way is over, and will never happen again. We know the ways that the Republic of Serbia used to punish crimes in Kosovo — by collectively wiping villages and thousands of civilians off the face of the Earth.

Mr. Jeremić failed to speak of missing persons, the many persons still missing from Kosovo, the remains of whom are, unfortunately, still somewhere in Serbia in mass graves. I am confident that the authorities in Belgrade are quite aware of many of those mass graves. The best thing to do would be to give the families in Kosovo the information on the whereabouts of their loved ones instead of trying to blame Kosovo, Kosovar Albanians and the Kosovar population for all the atrocities that the Republic of Serbia has, in a very planned manner, carefully carried out through its military, paramilitary or police forces.

Finally, I would like to once again thank you, Sir, for your time and patience. I would like to call on you to refer to various statistical data on the number of Serbs ever living in Kosovo. Serb officials continue to speak of 200,000 or 300,000 displaced persons, while, in the best possible case, less than 200,000 Serbs ever lived in Kosovo. We still have 135,000 Serbs living in Kosovo, some in the north, but most of them in the

southern part of the country, 70 per cent of the Kosovo Serbs live south of the Ibar river.

I believe this forum, the Council, should not be misused to spread inaccuracies that are profoundly misleading. Once again, I assure members that they can count on our firm determination to fight organized crime and corruption. But it is we who will do that, not the Republic of Serbia. The Republic of Serbia will never again be able to hold any court sessions in the Republic of Kosovo.

The President: I thank Mr. Hyseni for his statement.

His Excellency Mr. Vuk Jeremić has asked for the floor to make another statement. I give him the floor.

Mr. Jeremić (Serbia): I am going to just briefly address some of the notions presented here related to the distortion of reality.

What is true is that Kosovo is a very difficult place to live right now, and not exactly the kind of place that Mr. Hyseni and a few other participants in today's discussion were attempting to describe. So when it comes to distortions of reality, I think that the most difficult element of this is the way people actually live right now in Kosovo.

I will try to address again the issue of decentralization and the issue of participation in the electoral process. Unfortunately, these elections were not called in the way that all elections until now have been called. Resolution 1244 (1999) is very clear as to how they are supposed to be called. Had they been called in the way that all previous elections have been called, Serbian leadership would have, as every previous time, supported the participation of Serbs in these elections. These new elections were simply called by the so-called institutions of the Republic of Kosovo. There was no way for us to be able to support them.

We do, however, want to be very constructive and engage in the process of coming up with a decentralization concept that would benefit all the residents of the province. I hope we are going to be able to do that, for the sake of ordinary people there.

I have heard Mr. Hyseni repeatedly saying that he looks forward to cooperating with the European Union, United States and NATO in the territory. We do so as well. But I want to remind Mr. Hyseni that he is sitting in the United Nations building, and I would have hoped

for him to say that he looks forward to cooperating with the United Nations, that is, the United Nations Interim Administration Mission in Kosovo (UNMIK), the United Nations representation in the province, and not refuse to meet the representatives of the United Nations in Priština. This is now changing, and I commend this change of heart in Priština, but I would just like to encourage people there to continue to work with UNMIK and the United Nations, as all of us are going to do in the future.

I spoke about the need to fight organized crime and terrorism and that that is the subject of the protocol on cooperation between the Serbian Ministry of the Interior and the European Union Rule of Law Mission in Kosovo (EULEX).

I did mention the Kosovo Liberation Army (KLA), but I did not call the KLA a terrorist organization in my remarks today. Mr. Hyseni, however, did. But that is of course true. The KLA was and is a terrorist organization. But I never said that. I thank him for reminding us that the KLA is a terrorist organization.

I am never going to try to diminish the deeds carried out by the regime of Slobodan Milošević in Kosovo. That regime was overthrown by the people of Serbia. The Government of Serbia is now led by the people who risked their lives in overthrowing the dictatorship of Slobodan Milošević. I will never try to deny or diminish the crimes committed in Kosovo and in other parts of the region under the leadership of the Milošević Government. But I hope Mr. Hyseni is not trying to blame the current Government of Serbia for those deeds, including the burning of the mosques.

However, when it comes to the authorities in Kosovo, I can very well blame the current leadership, because of events such as the March 2004 pogrom, in which 35 churches and monasteries from the medieval ages were burned or desecrated in only two days by organized mobs of people. By the way, no one is currently behind bars in Kosovo for that horrible crime. I commend Mr. Hyseni's determination to fight organized crime and to protect the heritage of Kosovo. I hope he starts doing that very soon. Maybe he could start by prosecuting those who burned down those churches and monasteries in 2004. Nobody is behind bars for that right now.

The last thing that I am going to say is that, with regard to the statistical data, 206,000 internally

displaced persons is the official figure of the United Nations High Commissioner for Refugees. Those are the statistics I was referring to. Sitting here in the United Nations, we decided to quote the United Nations figure on this.

Having said all that, I think this is really the time to try to set aside our differences on status, because our differences on status are going to be contested in a court of law. It is yet another United Nations organ, the International Court of Justice.

But this is the time to work together, despite all the differences and the difficulties that we have with each other, in a status-neutral way, which is something that I hope Kosovo can embrace, as we have decided to embrace that approach, especially in regional organizations and international meetings. Serbia is not going to try to shut Pristina out of regional organizations where they have had membership in the past. Every single place where Pristina is a member, we are going to support their participation — but according to the rules. The rules are clearly laid out, and they are written in the statutes of these organizations. We are just willing to follow the rules. I think this is the safest approach.

UNMIK has a very important role to play in those meetings. Kosovo has spoken before in those bodies and forums in a certain way, and we welcome them doing just that again. But if they expect us to support the change of format because on 17 February they unilaterally declared independence, I am afraid that we can be of no help in that regard. We want to hear them out, and we want to allow other people to hear them out, but we also want rules to be followed. I just think that that is the safest way forward.

I do stand behind the claim that the unilateral declaration of independence was an ethnically motivated attempt at secession. Yes, in the so-called parliament of Kosovo, they did have representatives of various ethnic groups, but I just want to remind Mr. Hyseni that there were a lot of Albanians who were part of the Government of Slobodan Milosevic, and I am not trying to make any claim that they were genuine representatives of the Albanian people.

The President: I thank Mr. Jeremić for his statement.

There are no further speakers inscribed on my list. The Security Council has therefore concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 6 p.m.